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Human rights and mass exoduses

Report of the Secretary-General

Summary

In its resolution 56/166 of 19 December 2001, entitled "Human rights and mass exoduses", the General Assembly requested the Secretary-General to prepare and submit to the General Assembly at its fifty-eighth session a report on the implementation of the resolution, with particular emphasis on efforts by the United Nations system to enhance the protection of those who become displaced during mass exoduses and to facilitate their return and reintegration, as well as information on efforts to continue to enhance the capacity of the United Nations to avert new flows of refugees and other displaced persons and to tackle the root causes of such flows.

The present report acknowledges the linkages between human rights and mass exoduses with regard to situations of displacement, facilitation of return and prevention. States have recognized their primary responsibility to ensure the protection of internally displaced people and refugees, which is reflected in the international legal framework regarding human rights and refugees.

In addition, the Secretary-General, in his second report on the reform of the United Nations, entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387 and Corr.1) underlined the importance of human rights, national protection mechanisms and migration.

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The present report reviews the efforts of the various mechanisms and institutions of the United Nations on behalf of persons affected by mass exoduses. It surveys the work of such humanitarian development organizations as the United Nations High Commissioner for Refugees, the World Food Programme, the United Nations Development Programme, and the United Nations Children's Fund, and it also highlights the efforts and the role of the Office of the United Nations High Commissioner for Human Rights, the mechanisms of the Commission on Human Rights and the human rights treaty bodies. The specific case of internally displaced persons is also addressed, in particular with regard to the work of the Representative of the Secretary-General on internally displaced persons and the newly established internally displaced persons unit in the Office for the Coordination of Humanitarian Affairs.

In its conclusion the report observes that the second reform programme of the Secretary-General emphasizes human rights and, in particular, the need to build strong national mechanisms, capacities and institutions for the protection and promotion of human rights. The challenge for the United Nations today is to implement effectively and efficiently action plans that will assist States in making those proposals a reality.

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I. Introduction

1. In its resolution 56/166 of 19 December 2001, entitled "Human rights and mass exoduses", the General Assembly acknowledged, inter alia, that mass exoduses of populations are caused by multiple and complex factors, such as human rights violations, persecution, political and ethnic conflicts, famine and economic insecurity, poverty and generalized violence. The Assembly strongly deplored ethnic and other forms of intolerance, and urged States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities.

2. The General Assembly reaffirmed the primary responsibility of States to ensure protection of refugees and internally displaced persons and emphasized the responsibility of all States and international organizations to cooperate with those countries, particularly developing ones, affected by mass exoduses of refugees and displaced persons. It also called upon Governments, the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees and other relevant parts of the United Nations system to continue to respond to the assistance and protection needs of refugees and other displaced persons worldwide, including to promote durable solutions to their plight.

3. In the same resolution, the Assembly encouraged States that had not already done so to consider acceding to the 1951 Convention[1] and the 1967 Protocol[2] relating to the Status of Refugees and to other regional instruments concerning refugees, as applicable, and to relevant international instruments of human rights and humanitarian law, and to take appropriate measures to disseminate and implement those instruments domestically to encourage compliance with provisions against arbitrary and forcible displacement and greater respect for the rights of those who flee. The Assembly also noted with satisfaction the efforts by the United Nations system to develop a comprehensive approach to addressing the root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms. It recognized that the human rights machinery of the United Nations, in particular the mechanisms of the Commission on Human Rights and the human rights treaty bodies, had important capabilities to address human rights violations that caused movements of refugees and displaced persons.

4. The Assembly encouraged the special rapporteurs, special representatives and working groups of the Commission on Human Rights and the United Nations human rights treaty bodies to seek information on human rights problems that might result in mass exoduses and to include such information together with recommendations thereon in their reports, and to bring such information to the attention of the United Nations High Commissioner for Human Rights. The Assembly requested all United Nations bodies, the specialized agencies and governmental, intergovernmental and non-governmental organizations to cooperate fully with all mechanisms of the Commission on Human Rights. It requested the United Nations High Commissioner for Human Rights to coordinate human rights activities throughout the United Nations system and, in cooperation with the United Nations High Commissioner for Refugees, to pay particular attention to situations that cause or threaten to cause mass exoduses or displacements and to contribute to efforts to address such situations effectively and promote sustainable returns through promotion and protection measures, including human rights monitoring in respect of those who fled or have returned as part of mass exoduses, emergency preparedness and response

mechanisms, early warning and information-sharing, technical advice, expertise and cooperation in countries of origin as well as host countries.

5. In this context, the General Assembly requested the Secretary-General to prepare and submit to the General Assembly at its fifty-eighth session a report on the implementation of the resolution as it pertains to all aspects of human rights and mass exoduses, with particular emphasis on efforts by the United Nations system to enhance the protection of those who become displaced during mass exoduses and to facilitate their return and reintegration, as well as information on efforts to continue to enhance the capacity of the United Nations to avert new flows of refugees and other displaced persons and to tackle the root causes of such flows. The present report is submitted pursuant to that request.

II. Human rights and mass exoduses: an overview

6. Beyond any doubt, human rights and the phenomena of mass exodus and forced displacement are inextricably linked. In the three previous reports to the General Assembly on human rights and mass exoduses, an effort was made to stress that point (A/52/494, A/54/360 and A/56/334). Violations of human rights are most often the root as well as immediate cause of mass exoduses. Displaced people are among the most vulnerable and often in serious need of protection and assistance. The protection of these uprooted people is often problematic, as mass exoduses normally occur in situations of crisis and conflict when national authorities are not in a position or are even unwilling to provide the most basic assistance and protection.

7. When the conditions in the place of origin have changed, and voluntary return and reintegration become a realistic option for the displaced, human rights are again a central element in the process. Assessing the human rights situation in the place of origin is crucial to assist the displaced in making an informed choice to return home voluntarily. Once the displaced have returned, it is essential that the human rights situation be closely monitored and not allowed to deteriorate, as that would jeopardize the sustainability of return. Effective and efficient national human rights protection mechanisms would ensure this. For others, return will never be a realistic option, as it is unlikely that their rights can be protected in their places of origin. For these people, other durable solutions, such as resettlement to other areas or local integration in areas of displacement, will have to be identified.

8. Human rights are also at the core of efforts seeking to avert new flows of refugees and other displaced persons. If history has proven, again and again, that mass exoduses are caused by violations of human rights, it is only natural to seek to address a deteriorating human rights situation early on to prevent the displacement of people.

9. Over the years the States members of the United Nations have developed a strong international legal framework for the protection of human rights as well as specific instruments for refugee protection. States recognize that they have the primary responsibility to ensure the protection of refugees and internally displaced persons. However, in many situations of crisis and emergency, States may be either unwilling or, more often, unable to fulfil their obligations. The United Nations and its partners are therefore often called upon to play a vital role in providing basic relief and protection to millions of destitute people worldwide affected by mass

exoduses and in assisting in their return and the rebuilding of their livelihoods. In addition, in its efforts, the United Nations, as requested by the Member States, also emphasizes preventive action. A broad range of humanitarian, developmental and human rights agencies, offices and institutions are involved in that endeavour.

10. The report of the Secretary-General to the General Assembly entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387 and corr.1) underlined the link between migration, in the broader sense, and human rights. The report stressed the need to take a more comprehensive look at the various dimensions of the migration issue and to better understand the causes of international flows of people and their complex interrelationship with development. The report affirmed that the promotion and protection of human rights was a bedrock requirement for the realization of the Charter's vision of a just and peaceful world. In its Millennium Declaration (resolution 55/2 of 8 September 2000) the General Assembly affirmed the continuing centrality of that mission, stating "We will spare no effort to promote ... respect for all internationally recognized human rights and fundamental freedoms". Member States have committed to strengthen their capacity at the country level to implement the principles and practices of human rights, including minority rights, the rights of women, the rights of children and the rights of migrants. Building strong human rights institutions at the country level, in the long run, will ensure that human rights are protected and advanced in a sustained manner. Organizing or enhancing a national protection system in each country, reflecting international human rights norms, should therefore be a principal objective of the Organization.

11. In the reform programme (A/57/387 and Corr.1) the United Nations High Commissioner for Human Rights has therefore been requested to take the lead, in cooperation with the entire United Nations system, to further strengthen the activities of the United Nations with regard to human rights. In addition, a plan should be developed and implemented to strengthen human rights-related United Nations actions at the country level; the work of the human rights treaty bodies should be streamlined; the effectiveness of the special procedures of the commission should be enhanced; and the management of the Office of the United Nations High Commissioner for Human Rights (OHCHR) should be strengthened.

12. However, the United Nations is already involved in a number of efforts directed at ensuring the protection of displaced people, assisting in identifying durable solutions for them and seeking ways to prevent new mass exoduses. The human rights machinery of the United Nations is engaged in many ways with issues relating to human rights and mass exoduses. Activities of the Office include implementing technical cooperation projects in a number of countries around the world; promoting human rights education; and supporting of national human rights institutions. The Office is also actively engaged with the human rights components of peacekeeping missions of the United Nations. The human rights treaty bodies charged with the supervision of State implementation of their obligations under international human rights treaties also focus, when relevant, on human rights and mass exoduses, and seek to provide guidance to States parties. The special procedures of the Commission on Human Rights play an active role working with States in assessing the human rights situation worldwide and alerting Member States to situations of concern.

13. The humanitarian agencies of the United Nations are key actors on the ground with regard to providing protection and assistance to populations affected by mass exoduses. The mandate of the Office of the United Nations High Commissioner for Refugees (UNHCR) is to lead and coordinate international action for the worldwide protection of refugees and the resolution of their problems. The primary purpose of the United Nations High Commissioner for Refugees is to safeguard the rights and well-being of refugees. UNHCR strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State and the right to return home voluntarily. The World Food Programme (WFP) provides food aid to the most vulnerable and food-insecure people, including internally displaced persons and refugees throughout the world. The United Nations Children's Fund (UNICEF) works on behalf of displaced populations, in particular women and children, and is guided in its work by the Convention on the Rights of the Child. UNICEF activities include humanitarian assistance to displaced populations, child protection and juvenile justice programmes. In many situations of displacement, the World Health Organization (WHO) is active on behalf of affected populations. Once the need for development activities becomes apparent, the United Nations Development Programme (UNDP) implements projects and activities throughout the world.

14. Coordination among all the actors is key. With regard to the humanitarian action of the United Nations, the Office for the Coordination of Humanitarian Affairs (OCHA) plays an invaluable role. At the inter-agency operational level, the main mechanism for coordination is the Inter-Agency Standing Committee (IASC), established in June 1992 in response to General Assembly resolution 46/182, which called for strengthened coordination of humanitarian assistance. Within the humanitarian community, IASC provides a forum that brings together a broad range of the United Nations and non-United Nations humanitarian partners including United Nations humanitarian agencies, the International Organization for Migration (IOM), three consortia of major international non-governmental organizations and the International Red Cross and Red Crescent Movement, represented by the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies. The primary role of the IASC is to formulate humanitarian policy to ensure coordinated and effective humanitarian response to both complex emergency and to natural disasters. The primary objectives of the IASC in complex and major emergencies are as follows: (a) to develop and agree on system-wide humanitarian policies; (b) to allocate responsibilities among agencies in humanitarian programmes; (c) to develop and agree on a common ethical framework for all humanitarian activities; (d) to advocate common humanitarian principles to parties outside the IASC; (e) to identify areas where gaps in mandates or lack of operational capacity exist; and (f) to resolve disputes or disagreement about and between humanitarian agencies on system-wide humanitarian issues. At the field level, the resident coordinator/humanitarian coordinator system is the main mechanism for inter-agency cooperation and is charged with the task of addressing issues related to mass exodus.

15. The internally displaced constitute a specific category of people affected by mass exoduses. Today it is estimated that approximately 25 million people in 52 countries are internally displaced owing to conflict alone. In 1992, following the request by the Commission on Human Rights, the Secretary-General appointed Francis M. Deng (Sudan) as his Representative on internally displaced persons (Commission for Human Rights resolution 1992/73). The Representative's mandate

has since been renewed on four occasions, most recently in April 2001. Over the years, his work has focused on four main areas: the development of a normative framework; the development of effective institutional frameworks at the international, regional and national levels; country missions; and ongoing research into specific issues of concern.

16. The Commission and the General Assembly requested the Representative to develop an appropriate normative framework for the protection of the internally displaced. To that end, he developed the Guiding principles on internal displacement (E/CN.4/1998/53/Add.2), which are based on international human rights law, international humanitarian law and refugee law by analogy, to provide guidance to the Representative in carrying out his mandate; to States when faced with the phenomenon of displacement; to all other authorities, groups and persons in their relations with internally displaced persons; and to intergovernmental and non-governmental organizations when addressing internal displacement. The 30 Guiding Principles cover all phases of displacement, including protection against arbitrary displacement, protection and assistance during displacement, and safe and dignified return or resettlement and reintegration. The Guiding Principles mark the first set of standards spelling out what protection should mean for the internally displaced. The Representative works to disseminate the Guiding Principles in cooperation with a wide number of actors. All the main international humanitarian, human rights and development agencies and non-governmental organizations comprising the Inter-Agency Standing Committee have endorsed the Principles and have begun to integrate them into their activities with internally displaced populations. An increasing number of Governments of countries with situations of internal displacement in all regions of the world have made use of the Guiding Principles. Regional organizations have begun to hold seminars on the Guiding Principles and apply them to their work. Non-governmental organizations at the international and local levels have been particularly active in disseminating the Guiding Principles and using them to monitor situations of internal displacement, suggest changes in national law and policy, and advocate for more effective national and international responses.

17. No single organization within the United Nations system is responsible for the protection and assistance of internally displaced persons. To date, the so-called collaborative approach has been the preferred option of the United Nations system. The Emergency Relief Coordinator has been given the responsibility for ensuring that the protection and assistance needs of internally displaced persons are effectively addressed by the international community within the inter-agency framework. The task is in practice undertaken by the Internal Displacement Unit, which was established in January 2002 within the Office for the Coordination of Humanitarian Affairs. The Unit aims to ensure a predictable and concerted response among all concerned actors to the problems of internal displacement. Its primary purpose is to promote respect for the rights of the displaced in all aspects of displacement; encourage the search for long-term solutions; and prevent displacement or ensure that it will not reoccur. Created by the Emergency Relief Coordinator and approved by the Secretary-General of the United Nations and members of the Inter-Agency Standing Committee, the Unit will build on its inter-agency character and pursue a collaborative process to address the operational challenges posed by internal displacement. Through assessment, analysis, advocacy and practical support, the Unit endeavours to assist relevant actors in meeting the

needs of the displaced by providing the following services: using the Guiding Principles as an overall framework, the Unit seeks to identify and draw attention to gaps in the response to internal displacement, particularly protection and, upon its own initiative or the request of involved actors, will seek to provide recommendations and guidance. Recognizing sovereignty as a form of responsibility, the Unit endeavours to use all forums to engage Governments and non-State actors to provide access and physical security to the displaced. The Unit calls on United Nations agencies, intergovernmental and non-governmental organizations, as well as the displaced themselves, to enhance their commitment and accountability to a credible institutional response to internal displacement. A Memorandum of Understanding between the Emergency Relief Coordinator and the Representative of the Secretary-General on internally displaced persons, signed in April 2002, sets out areas of collaboration between the Internally Displaced Unit and the Representative.

18. In addition to working to enhance institutional arrangements at the international level, for several years now the Representative has pursued parallel efforts at the regional level, in particular with the African Union (formerly the Organization of African Unity), the Organization of American States, the Organization for Security and Cooperation in Europe and the Council of Europe. Further outreach to other regional and subregional organizations is being actively pursued.

19. The Representative also undertakes a number of country missions each year and presents his findings and recommendation in reports to the Commission on Human Rights as well as in press releases. Country missions are a particularly important aspect of the mandate, as they provide a means to assess the extent to which the protection, assistance and development needs of the internally displaced are being met in specific situations. The missions also offer the opportunity to engage in solution-oriented dialogue with the Governments and international and non-governmental organizations concerned.

20. Another aspect of the mandate is the ongoing study of the problem of internal displacement. The agenda for research and many other activities, such as national and regional workshops, are undertaken mainly by the Representative with the support of the Brookings-SAIS Project on Internal Displacement. With the global crisis of internal displacement now more thoroughly documented and better understood, the research agenda of the mandate has sharpened its focus, concentrating on specific issues and problems that face the internally displaced and impede effective responses to their plight.

III. Protection and assistance during displacement

21. The United Nations system, with its partners, engages in worldwide activities aimed at providing protection and assistance to displaced people, including refugees, asylum-seekers and internally displaced people. As noted, the range of activities is broad and could never be adequately reflected in the present report. Consequently, chapter III focuses on the work of two major United Nations humanitarian agencies; the Office of the United Nations High Commissioner for Refugees and the World Food Programme.

22. The Office of the United Nations High Commissioner for Refugees is one of the lead agencies of the United Nations in providing assistance and protection to displaced people. According to UNHCR, at the beginning of 2002, the agency was caring for 19.8 million persons in almost 160 countries, including asylum-seekers, refugees, returning refugees in the early stages of their reintegration, internally displaced persons and other people of concern, mainly victims of conflict.

23. The UNHCR emergency response capacity was tested on several occasions during the past two years, notably in West Africa in 2001, with some 80,000 refugees fleeing Liberia and the Central African region; in South-eastern Europe, where some 90,000 refugees fled the former Yugoslav Republic of Macedonia in 2001; and in countries bordering Afghanistan in the autumn of 2001, with over 200,000 Afghans reaching Pakistan. At the end of 2001, South-west Asia hosted the largest refugee population (40 per cent), followed by Africa (26 per cent) and Europe (17 per cent). In an effort to deal with such complex challenges to refugee protection, UNHCR launched a series of Global Consultations on International Protection during the period 2001-2002.

24. Access to safety, as well as continued protection in host countries, has remained vital for the world's refugees. Many States, often those with the most limited resources, continued to admit and host large refugee populations on their territories during the reporting period. However, concerns also arose with regard to a waning of the quality of asylum offered worldwide and an increasingly restrictive application of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, including several regions with a tradition of generous asylum policies. The underlying reasons for the changes included the economic and social difficulties of hosting large refugee populations for extended periods, national security considerations and serious apprehensions about "uncontrolled" migration in an era of globalization.

25. As a result, during the period breaches of the Convention's provisions were observed in some situations. The breaches ranged from situations of refoulement and border closures to direct acts of violence and xenophobia against refugees and a failure to uphold their fundamental rights. In many countries throughout the world, asylum-seekers and refugees faced increasingly frequent attacks, arrests, abductions, mass round-ups and detentions, deportation and even murder, including children, contributing in some instances to the broader problem of secondary onward movement. The militarization of refugee camps also remained a key challenge, especially when they were close to the border with the country of origin. Instances of forced conscription of refugees, often minors, the trafficking of refugee women, and beatings and mistreatment by officials were reported in camps in some countries. In addition, UNHCR and other humanitarian organizations continued to face obstacles to humanitarian access to refugee and internally displaced populations in a number of countries around the world.

26. The increasingly complex nature of migration movements, characterized as they are by composite flows that include asylum-seekers, refugees, migrant workers, victims of environmental degradation or people in search of better life opportunities, presented numerous problems for States, UNHCR and other actors during the reporting period. In mixed migration flow situations, the tension between the refugee protection responsibilities of States and their concerns about irregular population movements hampered protection efforts. Migration control measures,

such as reinforcing visa regimes, imposing carrier sanctions and, increasingly, resorting to first asylum country and safe third country concepts, led to non-admission of asylum-seekers and refugees, denial of access to an asylum procedure and incidents of refoulement.

27. The growing international consensus on the threat posed by the smuggling and trafficking of human beings also galvanized efforts to combat such crimes. Two Protocols on the trafficking in persons and on the smuggling of migrants, supplementing the United Nations Convention against Transnational Organized Crime, were opened for signature in November 2000, and incorporated clauses that reflected the interest of States in giving due regard to the needs of victims.

28. According to UNHCR, once asylum-seekers reached safety, their often prolonged detention remained a concern in a number of countries, with greater use of detention occurring particularly after 11 September 2001. In several countries, all illegal entrants, including women and children, continued to be systematically detained, irrespective of increasing calls for such measures to be proportionate and less discriminatory. Of particular concern was the treatment of separated or unaccompanied children and family groups held in detention. However, the majority of States were able to manage their asylum systems without detaining asylum-seekers in any systematic way. Some actively made use of alternatives to detention, such as reporting and residency requirements, bonds, community supervision or open centres. In some States where asylum-seekers were being detained, the practice was ameliorated through, for instance, the reduction of maximum detention periods permitted for asylum-seekers.

29. The vulnerability of women refugees to gender-based violence and of refugee children to exploitation and abuse during the reporting period were particularly disturbing. UNHCR has participated in the work of the Inter-Agency Standing Committee task force on sexual exploitation to draft a policy on that issue, which focused on assisting survivors of abuse, drafting a code of conduct for humanitarian workers and improving mechanisms and capacity to prevent the problem. Other protection concerns faced by refugee women and refugee children included safety and security, equal access to humanitarian assistance, registration and documentation, the gender- and age-sensitive application of refugee law and procedures, and trafficking. In relation to refugee children, particular concerns included separation, military recruitment and access to asylum procedures, education and detention.

30. UNHCR has continued its efforts to promote accessions to the 1951 Convention and/or its 1967 Protocol worldwide. While some 144 States are now party to those instruments, in a number of regions, primarily South Asia and the Middle East, there are few States parties. The low rate of accession is coupled with an absence of domestic asylum legislation. While those regions have a strong tradition of hospitality to displaced populations, the lack of a legal framework has meant that ad hoc approaches have continued to be adopted when dealing with refugees. As a result, those in need of international protection have often tended not to be identified properly nor treated in a consistent manner, and the distinction between refugee and migrant has become blurred, possibly contributing to irregular movements of asylum-seekers and refugees. Accession to the international refugee instruments and the introduction of national asylum legislation therefore remain key challenges in those regions.

31. The World Food Programme provides food aid to the most vulnerable and food-insecure people, including internally displaced persons and refugees throughout the world. Refugees and internally displaced persons constitute a large proportion of the beneficiaries of WFP assistance. In 2001, WFP targeted some 3 million refugees as well as 8 million internally displaced persons, primarily residing in camps, and assisted many more internally displaced among those affected by war and natural disasters. In situations of human-made and natural disasters and in protracted crises, WFP promotes food security and helps to re-establish, immediately and over the longer term, the coping mechanisms and livelihoods of internally displaced persons, refugees and others affected by internal displacement when they are food-insecure. In many countries that host large internally displaced and refugee populations, WFP has development programmes in place that target the poorest people, who are the most vulnerable to food insecurity. WFP uses food aid to improve the health of mothers and children, support school feeding and skills training, build community assets, mitigate the impact of natural disasters and support sustainable livelihood activities. In addressing the needs of refugees and the internally displaced, WFP collaborates closely with its United Nations and non-governmental organization partners.

IV. Durable solutions

32. People subjected to mass exoduses will eventually need durable solutions to their plight. The Office of the United Nations High Commissioner for Refugees has clearly stated that timely and durable solutions for the displaced are one of the principal goals of international protection. For many refugees, their strongest hope is to return home and, over the reporting period, there have been some encouraging developments that have permitted hundreds of thousands of refugees and internally displaced persons to do so. Some 700,000 refugees and internally displaced persons returned home during 2001. At the same time, local integration efforts have been strengthened in a number of countries, and third country resettlement has proven its value in many situations, particularly in protracted situations where refugees can neither repatriate safely nor integrate locally.

33. Ensuring sustainable voluntary return is, first and foremost, the responsibility of the country of origin towards its own people, but it also requires coherent and sustained action and support from the international community. For voluntary return to be sustainable, it needs to be underpinned by longer-term reintegration measures, together with the re-establishment of national protection. Among the issues that can undermine the success of voluntary repatriation if left too long unattended are housing, property and land restitution.

34. The programme of advisory services and technical cooperation in the field of human rights, which is managed by the Office of the United Nations High Commissioner for Human Rights, has been engaged since 1955 in assisting States, at their request, in the building and strengthening of national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law. The programme is comprehensive, providing practical assistance for the building of national and regional human rights infrastructures, and as such serves, in many places, to create the conditions that will allow returning refugees and displaced people to return in safety and dignity in a sustainable manner.

35. Components of the programme focus on the incorporation of international human rights standards in national laws and policies; on the building or strengthening of national institutions capable of promoting and protecting human rights and democracy under the rule of law; on the formulation of national plans of action for the promotion and protection of human rights; on human rights education and training; and on promoting a human rights culture. Such assistance takes the form of expert advisory services, training courses, workshops and seminars, fellowships, grants, provision of information and documentation, and assessment of domestic human rights needs.

36. Technical cooperation is a key area of activity of OHCHR, an area in which the Office makes a substantial contribution to integrated development cooperation and realization of the right to development and as well as to international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all. Technical cooperation activities are seen by the United Nations as a complement to, but never a substitute for, the monitoring and investigating activities of the human rights programme. The provision of advisory services and technical assistance is not intended to reduce a Government's responsibility to account for the human rights situation in its territory nor, where applicable, does it exempt that Government from monitoring by the various procedures established by the United Nations. The Programme is funded from the regular budget of the United Nations and from the Voluntary Fund for Technical Cooperation in the Field of Human Rights. The Voluntary Fund became operational in 1988 and is administered by a Board of Trustees. It currently oversees 41 projects worldwide.

37. The Office of the United Nations High Commissioner for Human Rights also accords priority to the establishment and strengthening of national human rights institutions in accordance with the relevant international standards (the Paris Principles, adopted in 1993 by the General Assembly). It continues to provide practical advice to the growing number of countries requesting it, works for the improvement of United Nations system-wide coordination in the work of national institutions and supports the increased participation of national institutions in appropriate United Nations human rights and other international forums. OHCHR encourages the sharing of best practices among national institutions and facilitates their access to relevant information. It also supports the strengthening of regional networks of national institutions.

38. The Office provides information, advice and/or assistance to Governments or administrations on establishing national institution and supports a number of established national human rights institutions or similar bodies. During the reporting period, OHCHR conducted several missions related to meetings, seminars and workshops, through which advice and assistance was provided to Governments; undertook technical cooperation needs assessment and project formulation missions; and trained staff of national human rights institutions and senior staff of other United Nations agencies and programmes.

39. Human rights education is another essential element in ensuring the sustainability of durable solutions for displaced people affected by mass exoduses. In December 1994, the General Assembly proclaimed the United Nations Decade for Human Rights Education (1995-2004), during which Governments, international

organizations, national institutions, non-governmental organizations, professional associations, educational establishments, all sectors of civil society and individuals were encouraged to establish partnerships and concentrate efforts on promoting a universal culture of human rights through human rights education, training and public information. The General Assembly requested the High Commissioner for Human Rights to coordinate the implementation of the related Plan of Action for the Decade (A/51/506/Add.1), which provided a strategy for strengthening human rights education programmes at the international, regional, national and local levels.

40. The general objective of the OHCHR programme for the Decade is to support national and local capacities for human rights education and training. OHCHR continues to develop its Resource Collection on Human Rights Education and Training, which is publicly accessible at the Office of the United Nations High Commissioner for Human Rights in Geneva and will be a specialized collection of the new OHCHR Documentation Centre. OHCHR has organized regional and subregional activities focusing on human rights education. The eleventh Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region (Islamabad, 25-27 February 2003) included a specific component on human rights education (for the report of the Workshop, see E/CN.4/2003/109). To start implementation of this component, OHCHR has commissioned the Asian Regional Resource Centre for Human Rights Education to study popular and non-formal human rights education methodologies used in the region, paying particular attention to those directed to vulnerable, disadvantaged and marginalized groups.

41. In addition, the Office has substantively participated in or supported educational activities organized by institutions and organizations at the international level (including the United Nations Educational, Scientific and Cultural Organization; the International Network for Education for Democracy, Human Rights and Tolerance; and the Centre international de formation à l'enseignement des droits de l'homme et de la paix) and at the regional level (for example, the Democracy and Human Rights Education Network, in Europe; and the Arab Institute for Human Rights).

42. The Assisting Communities Together (ACT) Project was initiated in 1998 in cooperation with the United Nations Development Programme to make small grants available for organizations and individuals carrying out activities promoting human rights in local communities. In early 2003, OHCHR continued the third phase of the Project (launched in December 2001), under which OHCHR and UNDP allocated 206 grants (144 financed by OHCHR and 62 by UNDP country offices) in 29 countries; by 31 May 2003, 65 projects had been completed. The third phase of the ACT Project has been marked by increased cooperation with local UNDP offices, which committed additional funding in 18 countries. OHCHR and UNDP are planning to launch a fourth phase of the ACT Project in September 2003.

V. Addressing the root causes — preventing displacement

43. It is generally acknowledged that human rights violations are one of the main root causes of mass exoduses and forced displacement. The importance of addressing the root causes of displacement, whether through conflict resolution or the fostering of human rights and democratic governance, is widely recognized.

Implementing such initiatives has, however, proven complex, not the least because it often requires action by various actors, in particular those outside the humanitarian realm. Among the issues that can prompt forced displacement is statelessness, or the inability to establish a legal status in any country. Very often minority groups in countries in different regions of the world have been among those affected, resulting in deprivation of basic rights. Women and children, in particular, have been disproportionately affected by problems with registering births or marriages and obtaining individual documentation; in addition, women have been unable to pass their legal status on to their stateless children or spouses.

44. The human rights technical cooperation programme as implemented by OHCHR, as mentioned above, also serves a useful preventive role in many countries by helping to create and build stronger and better national capacities and institutions for the protection and promotion of human rights.

45. The Commission on Human Rights and the Economic and Social Council have established a number of extra-conventional procedures and mechanisms — also called the special procedures — that have been entrusted either to working groups composed of experts acting in an individual capacity or to independent individuals variously designated as special rapporteurs, representatives or experts. The mandates given to such procedures and mechanisms are to examine, monitor and publicly report either on human rights situations in specific countries or territories (known as country mechanisms or mandates) or on major phenomena of human rights violations worldwide (known as thematic mechanisms or mandates). In carrying out their mandates, special rapporteurs and other mandate-holders routinely undertake country missions and report back to the Commission on Human Rights. The missions take place at the invitation of the country concerned. The work of the special procedures plays a crucial early-warning and preventive role. Most often, the special procedures, through their vast information network, register warning signs that indicate that a mass exodus may occur as a result of an emerging pattern of human rights violations. The special procedures can alert the Member State itself and also other parts of the United Nations system.

46. As mentioned previously, the human rights treaty bodies can play a key preventive role. When a State ratifies an international human rights treaty, it assumes the obligation to implement the provisions of the treaty at the national level. It also assumes the obligation to submit reports periodically to the human rights treaty bodies on the measures it has taken to ensure the enjoyment of the rights provided in the treaties. Reports of the States parties are examined by the treaty bodies, along with information from a variety of sources, in the presence of a delegation from the reporting State. The examination of a report culminates in the adoption of concluding observations/comments in which the treaty body presents its concerns and makes specific recommendations to the State party for future action. The State party is expected to undertake the necessary measures to implement the recommendations of the treaty bodies.

47. In addition, the treaty bodies adopt general comments or recommendations in which they share their views about the concrete meaning of specific articles of the treaties. Two of the committees, the Committee against Torture and the Committee on the Elimination of Discrimination against Women, may undertake confidential inquiries when they receive information indicating that systematic violations of the

human rights recognized in the respective treaties are taking place in the territory of a State party.

48. The United Nations has also established an inter-agency early-warning mechanism, the Inter-departmental Framework for Coordination Team, which meets regularly in New York. On many occasions the Team has addressed issues related to mass exoduses and human rights and has sought to galvanize the required United Nations response.

VI. Conclusions

49. **Human rights and mass exoduses are inextricably linked. Human rights violations are a cause of mass exoduses. Displaced people are among the most vulnerable, and are often in desperate need of assistance and protection of their human rights. Ensuring sustainable, durable solutions for displaced people requires adequate national mechanisms for the protection of their human rights. If mass exoduses are to be averted, the human rights situation must be monitored and violations addressed early on.**

50. **The United Nations recognizes that reality and works with Member States as well as international and non-governmental organizations to address the challenges it presents. Humanitarian actors provide desperately needed relief and protection in situations of displacement. The United Nations, through technical cooperation, peacekeeping operations and development programmes, plays a central role in ensuring that the human rights situation in the place of origin are suitable for the return and reintegration of the displaced. The United Nations also has a number of mechanisms at its disposal, including the special procedures of the Commission on Human Rights and the human rights treaty bodies, which can provide crucial early-warning information so that the appropriate preventive action can be taken.**

51. **In the second reform programme of the Secretary-General emphasis has been placed on human rights and, in particular, on building strong national mechanisms, capacities and institutions for the protection and promotion of human rights. The challenge for the United Nations today is to implement effectively and efficiently action plans that will assist States in making those proposals a reality so that mass exoduses may be averted in the future.**

Notes

[1] United Nations, *Treaty Series*, vol. 189, No. 2545.

[2] United Nations, *Treaty Series*, vol. 606, No. 8791.

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Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel

Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel

Report of the Secretary-General**

Summary

The key provisions of the 1994 Convention on the Safety of United Nations and Associated Personnel have been introduced in a small number of status-of-forces and status-of-mission agreements, most of which are presently under negotiation. There has not yet been any request from a State for information on matters of fact relevant to the application of the Convention. The role of the Secretary-General as a certifying authority regarding such matters is therefore still to be tested. A standard provision is suggested for inclusion in agreements between the United Nations and non-governmental organizations to make clear that personnel deployed by the Organization in a mission area are "associated personnel" within the meaning of the Convention. However, such a clause is not likely to materially strengthen the protection enjoyed by those personnel if the host country is not already bound by the Convention.

* A/58/150.

** Preparation of the present report involved extensive consultations among all offices and departments concerned. Some of these consultations were not yet complete as of 18 July 2003.

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With regard to possible procedures to initiate a declaration by the Security Council or General Assembly that an exceptional risk exists to the safety of personnel participating in a United Nations operation, consideration is given to a suggestion to link the issuance of such a declaration to the internal mechanism used by the United Nations Security Coordinator to categorize phases of security risk for United Nations personnel. It is concluded that this is not a viable or desirable option. Since there are not yet any agreed and generally recognized criteria for determining the existence of a situation of exceptional risk, the Secretary-General himself would find it difficult to go to the General Assembly or Security Council and propose that they issue a declaration in respect of a particular situation. The one exception is in cases where the General Assembly or the Security Council have already adopted decisions making it clear that they consider there to be a situation that presents a security risk to United Nations personnel in a particular area of operations. The situation in Afghanistan is such a case. The General Assembly is invited to issue a declaration that, for the purposes of the Convention, there exists an exceptional risk for United Nations and associated personnel participating in the operation in that country.

The difficulties in the issuance of the declaration of exceptional risk nevertheless remain the single most important limitation on the effectiveness of the Convention's protective regime. It is recommended that serious consideration be given to dispensing with the need for such a declaration as a condition for the application of the Convention.

Ultimately, the strength of the Convention's protective regime lies in the readiness of States to implement it. Since 1 January 1992, 198 civilian personnel have lost their lives as a result of malicious acts while performing services for the Organization. Only in 21 of those cases has the Member State concerned advised the Secretariat that it has taken legal action to bring the perpetrators to justice. The General Assembly should call upon the States concerned to investigate the attacks and to arrest and prosecute those responsible.

I. Introduction

1. In my first report to the General Assembly on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel (A/55/637), I analysed the scope of the protective regime of the Convention and recommended measures to strengthen the existing regime and to extend its scope by means of a protocol. Measures that I recommended to strengthen the existing regime of the Convention included: (a) initiating a procedure for a declaration by the Security Council or the General Assembly of an exceptional risk to the safety of personnel of a United Nations operation; (b) designating the Secretary-General as a "certifying authority" when required by national authorities to certify the status of any United Nations or associated personnel or the existence and content of a "declaration" or of an agreement between the United Nations and a humanitarian non-governmental organization (NGO); and (c) incorporating the Convention's key provisions into status-of-forces or status-of-mission agreements.

2. In recommending these measures, I also pointed out the limitations within the existing legal framework and suggested that if Member States were willing to extend the scope of the legal protection to all United Nations operations and associated personnel they might do so by means of a protocol that would make the protective regime of the Convention applicable to all United Nations operations, regardless of the existence or otherwise of a "declaration", and to all humanitarian NGOs in the United Nations area of operation, regardless of whether or not they have a contractual link with the United Nations.

3. By its resolution 56/89 of 12 December 2001, the General Assembly established an Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel to consider the recommendations made in my report on measures to strengthen and enhance the protective regime for United Nations and associated personnel. The Ad Hoc Committee held its first session from 1 to 5 April 2002. It expressed general support for the recommendations that I had made to strengthen the protective regime of the Convention within its existing framework and also considered the recommendation to extend the scope of the Convention to all United Nations operations and to the personnel of all humanitarian NGOs by means of an amending protocol. The discussions of the Ad Hoc Committee's Working Group on my recommendations are contained in the report of the Ad Hoc Committee.[1]

4. Having considered the report of the Ad Hoc Committee, the General Assembly, in its resolution 57/28 of 19 November 2002, recommended the Secretary-General: (a) continue to seek the inclusion of key provisions of the Convention in existing status-of-forces, status-of-mission and host country agreements; and (b) advise the Security Council or the General Assembly, as appropriate, where in his assessment circumstances would support a declaration of exceptional risk for the purposes of article 1 (*c*) (ii) of the Convention; confirmed that he (c) may provide information, upon the request of a State, on matters of fact relevant to the application of the Convention, such as the fact and content of any declaration of exceptional risk or any agreement concluded between the United Nations and a humanitarian NGO or agency; and requested him (d) to prepare model or standardized provisions for incorporation into the agreements concluded between the United Nations and humanitarian NGOs or agencies and make available to Member States the names of organizations or agencies that have concluded such agreements, for the purpose of clarifying the application of the Convention to persons deployed by those organizations or agencies. In addition, the Secretary-General and relevant bodies were encouraged to take such other practical measures to strengthen the protection for United Nations and associated personnel, including locally recruited personnel, who are particularly vulnerable and account for the majority of casualties among United Nations or associated personnel.

5. Pursuant to paragraph 8 of resolution 57/28, the Ad Hoc Committee reconvened from 24 to 28 March 2003 in order to continue the discussion on measures to enhance the existing protective legal regime of the Convention, including addressing the application of the Convention to all United Nations operations. The discussions of the Ad Hoc Committee's Working Group at that session are contained in the report of the Ad Hoc Committee.[2]

6. The present report, in accordance with to the General Assembly's request in its resolution 57/28 and the recommendation of the Ad Hoc Committee, takes into

account the discussions held in the Ad Hoc Committee and includes an assessment of the overall effectiveness of measures taken to implement the resolution. It focuses on: the incorporation of the key provisions of the Convention into status-of-forces and status-of-mission agreements; a procedure to initiate a declaration of an exceptional risk; and standardization of relevant provisions in agreements between the United Nations and humanitarian NGOs. Since no request for information has as of yet been submitted to me by any national authority regarding matters relevant to the application of the Convention, no practice has yet evolved in that respect.

II. Incorporating the key provisions of the Convention into status-of-forces and status-of-mission agreements

7. The number of States Parties to the Convention, which at the time of my first report stood at 43, has now grown to 64, with less than a handful of them currently hosting peacekeeping operations. The need to incorporate the key provisions of the Convention into status-of-forces and status-of-mission agreements concluded with countries not otherwise bound by the Convention has thus remained acute.

8. The core provisions of the 1994 Convention include the obligations to prevent attacks against members of United Nations operations, to establish them as crimes punishable by law and to "prosecute or extradite" offenders (A/57/52, para. 24). At the suggestion of some members of the Ad Hoc Committee, article 8 of the Convention, regarding the duty to release or return United Nations and associated personnel captured or detained, was also included among the key provisions to be incorporated in future status-of-forces or status-of-mission agreements. In addition, all such agreements already include a standard clause whereby Governments are bound to ensure the prosecution of persons accused of any criminal act against the peacekeeping force or mission, which, if committed in relation to their own forces, would have rendered such acts liable to prosecution.

9. The core provisions of the 1994 Convention were for the first time incorporated in the agreement between the Democratic Republic of East Timor and the United Nations concerning the status of the United Nations Mission of Support in East Timor (UNMISET), concluded in May 2002. I have subsequently proposed their inclusion in two status-of-mission agreements currently under negotiation: one with the Government of Côte d'Ivoire, regarding the United Nations Mission in Côte d'Ivoire (MINUCI), and the other with the Government of Lebanon, regarding the Military Observers of the United Nations Truce Supervision Organization (UNTSO).

10. An example of a different kind is the draft exchange of letters on the status of the United Nations and its specialized agencies in Iraq, presently under negotiation with the Governments of the United States of America and the United Kingdom of Great Britain and Northern Ireland, the States constituting the Coalition Provisional Authority in Iraq. In recognition of the limited legislative powers of the Coalition Provisional Authority, the draft status-of-mission agreement does not include the obligation to criminalize attacks against United Nations personnel by means of legislation. In the spirit of the Convention, however, it maintains the general obligation to take all appropriate measures to ensure the safety and security of the United Nations, its officials and experts and the standard clause ensuring the prosecution of persons "who are accused of acts in relation to the United Nations, or its officials or experts, which if committed in relation to the forces of the Authority,

would have rendered such acts liable to prosecution". It would be expected, therefore, that those responsible for attacks against United Nations personnel would be prosecuted under the same law and in the same military tribunals, if any, as those responsible for attacks against Coalition personnel.

III. A procedure to initiate a declaration of exceptional risk to the safety of United Nations and associated personnel

11. Any declaration of an exceptional risk to the safety of United Nations personnel in any given operation requires a set of criteria or risk factors applicable in a uniform way to all United Nations operations in similar situations. In the absence of a readily available set of risk criteria, some members of the Ad Hoc Committee suggested that the issuance of the declaration and its timing be linked to the internal mechanism used by the United Nations Security Coordinator for the categorization of the phases of security risk for United Nations personnel.

12. The Office of the United Nations Security Coordinator (UNSECOORD) system of security phases, however, is one which is constantly adaptable to the changing circumstances at any time and place. It is often the case, therefore, that different security phases are determined for different locations within the same area of United Nations operations at different points in time. Linking the applicability of the Convention regime to such a system would result in a situation where, within the same United Nations operation and depending on their location at any given time, some United Nations personnel may be covered by the Convention while others may not.

13. Linking the issuance of a declaration to the security phases may also open a political debate on the propriety and justification in any given circumstances of the determination of UNSECOORD and its overall economic, social and other implications for the host country. The political sensitivity of the security determination and the possible negative effects that such a linking may have on the work of UNSECOORD and its depoliticized and independent approach to identifying the phases of security risk for United Nations and associated personnel, were widely recognized by members of the Ad Hoc Committee.

14. It is therefore my considered opinion that linking the issuance of a "declaration" to the internal mechanism used by UNSECOORD to categorize phases of security risk for United Nations personnel is not a viable or a desirable option.

15. As previously noted, there are not at present any generally agreed criteria for determining that there exists a situation of exceptional risk to the safety of the personnel participating in a United Nations operation. In these circumstances, I would find it difficult, for the reasons set out in paragraph 27 below, to approach the Security Council or the General Assembly to suggest that situations in particular areas where United Nations operations are deployed involve an exceptional risk to the safety of United Nations and associated personnel.

16. There is, however, one type of situation in which I would feel able to propose to the Security Council or the General Assembly the issuance of a "declaration" of exceptional risk, namely, where the Organization's political organs have themselves already adopted decisions recognizing that the security situation prevailing in a United Nations area of operations is a difficult one and that a clear and unidentified

risk to the safety of United Nations and associated personnel operating there exists. The situation in Afghanistan is such a case.

17. The United Nations Assistance Mission in Afghanistan (UNAMA) was established by Security Council resolution 1401 (2002), with the mandate to: fulfil the tasks and responsibilities entrusted to the United Nations in the Bonn Agreement; promote national reconciliation and rapprochement throughout the country; and manage the United Nations humanitarian relief, recovery and reconstruction activities in Afghanistan. UNAMA is composed of the Office of the Special Representative of the Secretary-General and two "pillars": the political affairs pillar, and the humanitarian and development pillar. Its headquarters are in Kabul and it has regional offices in seven cities. UNAMA has no military component.

18. UNAMA was established by a competent organ of the United Nations in accordance with the Charter of the United Nations, though not "for the purpose of maintaining or restoring international peace and security". It is not considered, therefore, an operation within the meaning of article 1 (*c*) (i) of the Convention. Furthermore, since neither the Security Council nor the General Assembly has declared that there exists an exceptional risk to the safety of the personnel participating in the operation, it is not a United Nations operation within the meaning of article 1 (*c*) (ii), either. UNAMA is therefore currently outside the scope of the Convention's protective regime.

19. In consecutive reports of the Secretary-General on the situation in Afghanistan, the following risk factors were singled out: the existence of pockets of resistance and terrorist threat of al-Qa'idah and Taliban forces; sporadic fighting and factional clashes between rival Afghan political, ethnic and military groups over local power and tribal dominance; banditry of all kinds; a high crime rate, especially outside Kabul and the main towns; and the absence of national security forces or any local law enforcement agencies. Attacks against United Nations personnel and against the personnel of various agencies, funds and programmes and international aid organizations have taken place since 2002. The United Nations guest house, the compounds of the Food and Agriculture Organization of the United Nations (FAO), the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office on Drugs and Crime, the Office of the United Nations Assistance Mission in Afghanistan (UNAMA) and the Office of the International Organization for Migration (IOM) in Kabul and other cities, have been hit by bombs, grenades, rockets and other explosive devices. Attacks have also been directed against humanitarian and other NGO personnel and, notably, a demining NGO and the International Committee of the Red Cross (ICRC) (see A/56/875-S/2002/278; A/56/1000-S/2002/737; A/57/487-S/2002/1173; A/57/762-S/2003/333). The International Security Assistance Force, established by Security Council resolution 1386 (2001), has improved the security situation in Kabul and its surrounding areas. The security situation in other areas, however, remains precarious.

20. In its resolutions 56/220 A and B of 21 December 2001 and 57/113 A and B of 6 December 2002 on emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan and the situation in Afghanistan and its implications for international peace and security, the General Assembly noted that lack of security remains the most serious challenge facing Afghanistan, expressed its

deep concern over recent security incidents, condemned all acts of violence and intimidation directed against United Nations and associated personnel, as well as against other humanitarian personnel, expressed regret at the loss of life and physical harm suffered among the staff and urged "the Transitional Authority and local authorities to ensure the safety, security and free movement of all United Nations and humanitarian personnel ... and to protect the property of the United Nations and of humanitarian organizations, including non-governmental organizations".

21. Similarly, the Security Council, at its 4774th meeting, issued a presidential statement (S/PRST/2003/7), which in its relevant part read as follows:

> "The Security Council stresses that security remains a serious challenge facing Afghanistan. In particular, the Council expresses its concern over the increased number of attacks against international and local humanitarian personnel, Coalition forces, the International Security Assistance Force (ISAF) and Afghan Transitional Administration targets by Taliban and other rebel elements .... Against this backdrop, the Council underlines the importance of accelerating the comprehensive reform of Afghanistan's security sector, including the disarmament, demobilization and reintegration of former combatants".

22. In my view, the combined effect of the above fully justifies a declaration that, for the purposes of the Convention, there exists an exceptional risk for United Nations and associated personnel participating in the operation. I would therefore invite the General Assembly, in its consideration of the relevant agenda item, to make a declaration to that effect. It may wish, however, to call first upon the Government of Afghanistan to become a party to the Convention.

IV. Humanitarian non-governmental organizations contractually linked to the United Nations

23. In its resolution 57/28, the General Assembly requested the Secretary-General to prepare model or standardized provisions for inclusion in agreements concluded between the United Nations and humanitarian NGOs or agencies and to make available to Member States the names of organizations or agencies that have concluded such agreements for the purpose of clarifying the application of the Convention to persons deployed by those organizations or agencies.

24. A possible standard provision applicable in the diverse cooperation agreements between the United Nations and NGOs could read as follows:

> For the purposes of the Convention on the Safety of United Nations and Associated Personnel, persons deployed by [the humanitarian non-governmental organization or agency] under this Agreement shall be considered "associated personnel" within the meaning of article 1 (*b*) (iii) of the Convention.

It should be underscored, however, that neither this nor any similar provision could clarify the applicability of the Convention to the personnel of the NGO in question if the host country in whose territory those personnel are operating is not a party to

the Convention or if a "declaration" in respect of the United Nations operation there has not been made.

25. At the request of any host country, the United Nations will be ready to provide a list of all NGOs operating in the United Nations area of operation that are contractually linked to the Organization. In this connection, it should be noted that the Governments of States in which the United Nations Development Programme (UNDP) is carrying out projects are already notified of the NGOs collaborating with UNDP in executing those projects since they are identified in the relevant project documents that UNDP signs with the Governments.

V. Observations

26. In the light of the very short period which has elapsed since the adoption of General Assembly resolution 57/28 and the 2003 report of the Ad Hoc Committee, it would be premature to assess the effectiveness of measures taken to strengthen the Convention's protective regime. The key provisions of the Convention have been introduced in a small number of status-of-forces and status-of-mission agreements, most of which are presently under negotiation. In the absence of any request for information, the role of the Secretary-General as a "certifying authority" has not yet been tested. A standard provision in agreements between the United Nations and NGOs is not likely to affect in any way the application of the Convention or strengthen its protective regime if the host country is not otherwise bound by the Convention, although a list of NGOs operating in the United Nations area of operation and contractually linked to the Organization may be submitted to the host country, at its request.

27. The difficulty in the issuance of the declaration of an "exceptional risk" remains the single most important limitation to the protective regime of the Convention. The problems encountered in the process of the initiation of such a declaration include: the lack of an agreed set of risk criteria;[3] the timeliness of a declaration at the point of its establishment and at any time thereafter; the political considerations that may be likely to influence an otherwise technical assessment of any given security situation; the need to constantly monitor the security situation in all areas of United Nations operations throughout the world in order to ensure not only the timely issuance of a declaration but also its timely withdrawal, if and when the circumstances warrant it; and the destabilizing effect that such a declaration would have on the legal regime of the Convention. For all of these reasons, I recommend that serious consideration should be given to dispensing with the need for a declaration as a condition for the application of the Convention.

28. In the final analysis, however, the strength of the Convention's protective regime lies in the readiness of States to ensure its implementation. While the shortcomings of the 1994 Convention have by now been widely recognized, it is the actual pressure that is brought to bear on Member States to prosecute those who are identified as being responsible for crimes against United Nations and associated personnel that will ensure that the legal protection that the Convention theoretically affords is actually effective. In point of fact, even before the negotiation and conclusion of the 1994 Convention, States were already under an obligation to prosecute crimes of murder and physical assault against United Nations personnel, while the capacity of the United Nations to bring a claim for damage caused by the

injury of an agent of the Organization in the course of performing his or her duties was recognized by the International Court of Justice as early as 1949, in its Advisory Opinion 11 on the *Reparation for Injuries Suffered in the Service of the United Nations*.

29. In this connection, I recall that the annual reports of the Secretary-General on the safety and security of humanitarian personnel and the protection of United Nations personnel contain a list of civilian personnel who lost their lives during given years, including the place and details of the attack and indicating whether legal action has been taken. In all these cases, I have called upon the States concerned to assume their responsibility to deter further attacks on United Nations personnel by prosecuting those responsible, but to no avail. It is now time for the General Assembly to call upon these countries to investigate the attacks and to arrest and prosecute those responsible. To that end, I attach for the consideration of the General Assembly a consolidated list of the 198 civilian personnel who have lost their lives as a result of malicious acts while performing services for the Organization since 1 January 1992 (see annex). The list indicates the States in whose territories the crimes concerned were committed as well as those cases in which the Secretariat has been advised by the Member State concerned that it has taken legal action to bring the perpetrators to justice. As indicated in the list, the Secretariat has been advised that such action has been taken in only 21 cases.

Notes

[1] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 52* (A/57/52), chap. III.

[2] Ibid., *Fifty-eighth Session, Supplement No. 52* (A/58/52).

[3] No generally agreed criteria has yet been established for determining that there exists a situation of exceptional risk to the safety of the personnel participating in a United Nations operation. However, the following elements could be used as guidelines in the event that consideration is given to the issuance of a declaration: international or civil war; hostilities; revolution; insurrection; riots; explosion of war weapons, terrorist activities; high crime rate; banditry; collapse of the national security system or of law enforcement agencies; and the actual occurrence of attacks against United Nations and other international personnel.

Annex

Consolidated list of United Nations civilian casualties in the field as a result of malicious acts, 1992-2003

A. United Nations civilian casualties in the field as a result of malicious acts, 1992

	Date	*Name*	*State/Territory*	*Entity*[a]	*Cause of death*	*Location of incident*
1.	05/01/92	Pumpalova, Martinka	Bulgaria	UNICEF/Nairobi	Gunshot wounds after attack in cafe	Bosasso, Somalia
2.	10/03/92	Muhe, Tekya	Ethiopia	UNHCR/Jijiga, Ethiopia	Shot in the head during robbery of office	Jijiga, Ethiopia
3.	31/03/92	Mutaca, Lorenço	Mozambique	UNHCR/Dire Dawa, Ethiopia	Gunshot wounds	Gode, Ethiopia
4.	11/05/92	Buhaisi, Abdel	Palestine	UNRWA/Gaza	Gunshot wounds	Gaza Strip
5.	17/05/92	El Fadi, Mamdouh	Palestine	UNRWA/Gaza	Kidnapped and murdered	Gaza Strip
6.	14/06/92	Kasashima, Kimio	Japan	WFP/Peshawar, Pakistan	Gunshot wound after attack outside residence	Peshawar, Pakistan
7.	19/07/92	Rappaport, Avi	Israel	ICAO/Nairobi	Gunshot wound after car-jacking	Nairobi
8.	08/08/92	Bekeran, Najibullah	Afghanistan	Habitat/Kabul	Killed during rocket attack on city	Kabul
9.	12/08/92	Husenic, Aram	Yugoslavia	UNESCO/Cotonou, Benin	Gunshot wounds during robbery by armed bandits	Lagos
10.	27/09/92	Maung, Myint	Burma	UNICEF	Gunshot wounds incurred during ambush	Ame, Sudan
11.	30/09/92	Ngure, Francis	Kenya	UNICEF	Single shot to the head at close range	Ame, Sudan

[a] United Nations Children's Fund (UNICEF)
United Nations High Commissioner for Refugees (UNHCR)
United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)
World Food Programme (WFP)
International Civil Aviation Organization (ICAO)
United Nations Centre for Human Settlements (Habitat)
United Nations Educational, Scientific and Cultural Organization (UNESCO)

B. United Nations civilian casualties in the field as a result of malicious acts, 1993

	Date	*Name*	*State/Territory*	*Entity*	*Cause of death*	*Location of incident*
1.	02/01/93	Devereux, Sean	Ireland	UNICEF/Kismayo	Gunshot wounds after attack outside his office	Kismayo, Somalia
2.	01/02/93	Bullard, Anthony	United Kingdom	UNCHS/Islamabad	Gunshot wounds after ambuscade on the Peshawar/Jalalabad road	Jalalabad, Afghanistan
3.	01/02/93	Hadi, Abdul	Afghanistan	UNHCR/Islamabad	Gunshot wounds after ambuscade on the Peshawar/Jalalabad road	Jalalabad, Afghanistan
4.	01/02/93	Ul-Haq, Zia	Afghanistan	UNCHS/Islamabad	Gunshot wounds after ambuscade on the Peshawar/Jalalabad road	Jalalabad, Afghanistan
5.	23/02/93	Suradi, Awad Ali	Palestine	UNRWA/Gaza Strip	Shot in the head by Israeli soldier	Gaza, Gaza Strip
6.	24/02/93	Shivinda, Pedro	Angola	WFP/Angola	Gunshot wounds after crossfire between UNITA and government troops	Huambo, Angola
7.	24/02/93	Nestrendo	Angola	WFP/Angola	Gunshot wounds	Huambo, Angola
8.	12/03/93	Rao, Y. S., Dr.	India	FAO/Bangkok	Bomb explosion	Bombay, India
9.	18/03/93	Al-Gharib, Yousif	Palestine	UNRWA/Gaza Strip	Shot by Israeli soldier	Gaza, Gaza Strip
10.	29/03/93	Rouf, Mohamed	Bangladesh	UNTAC/Cambodia	Gunshot wound in the head	Phnom Penh
11.	03/04/93	Choun, Sophorn	Cambodia	UNTAC/Cambodia	Land mine explosion injuries	Phnom Penh
12.	08/04/93	Lay, Sok Phiep	Cambodia	UNTAC/Cambodia	Gunshot wounds after being attacked	Phnom Penh
13.	08/04/93	Nakata, Atsuhito	Japan	UNV/Cambodia	Gunshot wounds after being attacked	Phnom Penh
14.	11/04/93	Cnicambi, Silva	Angola	WFP/Angola	Killed during UNITA attack	Luena, Angola
15.	07/04/93	Ngin, Khhough	Cambodia	UNTAC/Cambodia	Injuries as a result of land mine explosion	Phnom Penh
16.	12/05/93	Shoka, Phim	Cambodia	UNTAC/Cambodia	Weapon injuries	Tramkot District, Takeo Province, Cambodia
17.	15/08/93	Zerazic, Boris	Bosnia and Herzegovina	UNHCR/Bosnia	Gunshot wounds	Vitez, Bosnia and Herzegovina
18.	13/09/93	Reitzel-Nielsen, Michael	Denmark	UNEP/Nairobi	Gunshot wounds during car-jacking	Nairobi
19.	21/07/93	Farhad, Fayyad	Palestine	UNRWA/Lebanon	Shot in the head by unknown gunmen	Saida, Lebanon
20.	20/10/93	Wandayo, John	Uganda	UNICEF	Shot during ambush by unknown gunman	Kitgum, Uganda
21.	21/10/93	Al Saftawi, Assad	Palestine	UNRWA	Shot in the head by unknown gunmen	Gaza, Gaza Strip
22.	13/11/93	Lincoln, Kai	United States of America	UNOSOM	Shot during car-jacking	Mogadishu, Somalia
23.	15/11/93	Shabayta, Muin	Palestine	UNRWA	Killed by Israeli soldier	Gaza Strip

C. United Nations civilian casualties in the field as a result of malicious acts, 1994

	Date	*Name*	*State/Territory*	*Entity*[b]	*Cause of death*	*Location of incident*
1.	12/1/93	Ty, Sary (reported in 1994)	Cambodia	UNTAC	Gunshot wound during raid of village	Siem Reap, Cambodia
2.	28/3/94	Abu Ibtihan, Ahmad	Palestine	UNRWA	Shot by Israeli soldier	Gaza Strip
3.	18/4/94	Sanneh, Ali Haji	Gambia	UNHCR	Gunshot wounds sustained from open fire into plane	Afmadou, Somalia
4.	4/94	Butera, Innocent	Rwanda	UNDP	Ethnic violence	Rwanda
5.	4/94	Gakwavu, Abdellaraman	Rwanda	UNDP	Ethnic violence	Rwanda
6.	4/94	Habyalimana, Cyridion	Rwanda	UNDP	Ethnic violence	Rwanda
7.	4/94	Kabanda, Therese	Rwanda	UNDP	Ethnic violence	Rwanda
8.	4/94	Kanamugire, Fulgence	Rwanda	UNDP	Ethnic violence	Rwanda
9.	4/94	Kayijamahe, Angelique	Rwanda	UNDP	Ethnic violence	Rwanda
10.	4/94	Kayiranga, Protais	Rwanda	UNDP	Ethnic violence	Rwanda
11.	4/94	Kayitaba, Felix	Rwanda	UNDP	Ethnic violence	Rwanda
12.	4/94	Kayumba, Andre	Rwanda	UNDP	Ethnic violence	Rwanda
13.	4/94	Mbaga, Laurent	Rwanda	UNDP	Ethnic violence	Rwanda
14.	4/94	Mbanziliza, Emmanuel	Rwanda	UNDP	Ethnic violence	Rwanda
15.	4/94	Ndayisaba, Festus	Rwanda	UNDP	Ethnic violence	Rwanda
16.	4/94	Ngirumpatse, Florence	Rwanda	UNDP	Ethnic violence	Rwanda
17.	4/94	Nsengimana, Assiel	Rwanda	UNDP	Ethnic violence	Rwanda
18.	4/94	Nyabutsitsi, Aloys	Rwanda	UNDP	Ethnic violence	Rwanda
19.	4/94	Rushemeza, Dancilla	Rwanda	UNDP	Ethnic violence	Rwanda
20.	4/94	Turatsinze, Emmanuel	Rwanda	UNDP	Ethnic violence	Rwanda
21.	4/94	Gasana, Francois	Rwanda	UNHCR	Ethnic violence	Rwanda
22.	4/94	Gashagaza, Gaspard	Rwanda	UNHCR	Ethnic violence	Rwanda
23.	4/94	Gisa, Jean B.	Rwanda	UNHCR	Ethnic violence	Rwanda
24.	4/94	Mukashefu, Odette	Rwanda	UNHCR	Ethnic violence	Rwanda
25.	4/94	Mwigishwa, Albert	Rwanda	UNHCR	Ethnic violence	Rwanda
26.	4/94	Nyakagaragu, J.	Rwanda	UNHCR	Ethnic violence	Rwanda
27.	4/94	Rugema, Sixte	Rwanda	UNHCR	Ethnic violence	Rwanda
28.	4/94	Rutagengwa, Theophile	Rwanda	UNHCR	Ethnic violence	Rwanda
29.	4/94	Rutayigirwa, Francois	Rwanda	UNHCR	Ethnic violence	Rwanda
30.	4/94	Senjeje, Anicet	Rwanda	UNHCR	Ethnic violence	Rwanda

	Date	Name	State/Territory	Entity[b]	Cause of death	Location of incident
31.	4/94	Twagirayezu, Marcel	Rwanda	UNHCR	Ethnic violence	Rwanda
32.	4/94	Gihana, Jean D.	Rwanda	UNICEF	Ethnic violence	Rwanda
33.	4/94	Kalinganire, Laurent	Rwanda	UNICEF	Ethnic violence	Rwanda
34.	4/94	Kalisa, Charles	Rwanda	UNICEF	Ethnic violence	Rwanda
35.	4/94	Kayibanda, Aloys	Rwanda	UNICEF	Ethnic violence	Rwanda
36.	4/94	Kayitare, Jerome	Rwanda	UNICEF	Ethnic violence	Rwanda
37.	4/94	Nshimiyana, Visteur	Rwanda	UNICEF	Ethnic violence	Rwanda
38.	4/94	Rudaseswa, Michel	Rwanda	UNICEF	Ethnic violence	Rwanda
39.	4/94	Rudasingwa, Theogene	Rwanda	UNICEF	Ethnic violence	Rwanda
40.	4/94	Rukanika, Longin	Rwanda	UNICEF	Ethnic violence	Rwanda
41.	4/94	Senyana, Jean D.	Rwanda	UNICEF	Ethnic violence	Rwanda
42.	4/94	Tuyisenge, Pauline	Rwanda	UNICEF	Ethnic violence	Rwanda
43.	4/94	Kalisa, Martin	Rwanda	WHO	Ethnic violence	Rwanda
44.	4/94	Kayitari, Bernard	Rwanda	WHO	Ethnic violence	Rwanda
45.	4/94	Mpogoma, Emmanuel	Rwanda	WHO	Ethnic violence	Rwanda
46.	4/94	Musabimana, Jean-Baptiste	Rwanda	WHO	Ethnic violence	Rwanda
47.	4/94	Ntampaka, Valere	Rwanda	WHO	Ethnic violence	Rwanda
48.	4/94	Sefaranga, Bernard	Rwanda	ICTR	Ethnic violence	Rwanda
49.	1/5/94	Ngendakumana, Therence	Burundi	WFP	Accident linked to ethnic strife	Bujumbura Province, Burundi
50.	8/6/94	Sindikubwabo, Damascene	Rwanda	ECA	Killed while performing his duties as a security guard	Gisenyi, Rwanda
51.	13/6/94	Bile, Abdullahi Hussein	Somalia	WFP	Open fire into vehicle during ambush	Mogadishu, Somalia
52.	23/6/94	Sisay, Mohammed	Ethiopia	WFP	Ambushed in truck convoy	Uganda (north of Gulu)
53.	23/6/94	Aregay, Kassahun	Ethiopia	WFP	Ambushed in truck convoy	Uganda (north of Gulu)
54.	23/6/94	Mekonnen, Gebriel	Ethiopia	WFP	Ambushed in truck convoy	Uganda (north of Gulu)
55.	13/8/94	Lopez-Herrera, Jose	France	UNHCR	Killed by assailants at home	Kirundo, Burundi
56.	30/8/94	Murenzi, Jules	Rwanda	WFP	Gunshot wounds at home by armed bandits	Gikongoro, Rwanda
57.	3/9/94	Mahmoodi, Mehrali[a]	Islamic Republic of Iran	UNHCR	Knife wounds	Milak Bes, Islamic Republic of Iran
58.	17/9/94	Ibrahim, Labib	Egypt	UNICEF	Gunshot wound during ambush in car convoy	Qena, Egypt
59.	24/9/94	Tembe, Alfredo	Mozambique	UNDP	Gunshot wound during armed robbery at restaurant	Maputo, Mozambique
60.	25/10/94	Sacramento, Joachim Domingos	Sao Tome and Principe	WFP	Gunshot wounds at residence	Luanda, Angola

	Date	*Name*	*State/Territory*	*Entity*[b]	*Cause of death*	*Location of incident*
61.	8/11/94	Emana, Diriba[a]	Ethiopia	ECA	Assaulted during robbery	Addis Ababa, Ethiopia
62.	14/11/94	Naingonn, Yamnalbaye	Cameroon	UNICEF	Ambushed in truck convoy	Maroua Province, Cameroon
63.	18/11/94	Sultan, Majdi Ahmad Abu	Palestine	UNRWA	Killed by stray bullet outside hospital	Gaza City
64.	22/12/94	Hailu, Zekarias[a]	Ethiopia	UNHCR	Gunshot wound outside restaurant	Moyale, Ethiopia

[a] Indicates legal action has been taken by Member State in respect of this case.

[b] United Nations Transitional Authority in Cambodia (UNTAC)
United Nations Development Programme (UNDP)
World Health Organization (WHO)
International Criminal Tribunal for Rwanda (ICTR)
Economic Commission for Africa (ECA)
United Nations Operation in Somalia (UNOSOM)

D. United Nations civilian casualties in the field as a result of malicious acts, 1995

	Date	*Name*	*State/Territory*	*Entity*[b]	*Cause of death*	*Location of incident*
1.	7/3/95	Lahrache, Ouassini	Algeria	UNIC	Killed by assailants at residence	Algiers
2.	2/4/95	Sengoga, Alphonse	Burundi	UNICEF	Ethnic violence	Bujumbura
3.	15/4/95	Vila, Munira	Bosnia and Herzegovina	UNPROFOR	Killed by sniper fire	Sarajevo
4.	22/6/95	El-Khawaja, Mahmoud Arafat	Palestine	UNRWA	Killed by gunshot wound	Gaza Strip
5.	25/7/95	Lima, Francisco Olinto[a]	Angola	UNICEF	Killed during carjacking	Luanda
6.	10/11/95	Adeyemi, John	Nigeria	UNICEF	Killed during robbery	Lagos
7.	19/11/95	Jefferson, William[a]	United States of America	UNPF	Killed by gunshot wounds	Tuzla, Bosnia and Herzegovina
8.	22/11/95	Ahmed, Abdilkadir Tawane	Somalia	UNICEF	Killed in bus ambush	North-west of Mogadishu, Somalia
9.	7/12/95	Kaczor, Andrzej	Poland	UNGCI	Killed in bomb explosion	Shaqlawa, Iraq
10.	7/12/95	Rabaya, Emmanuel Jabagat	Philippines	UNGCI	Killed in bomb explosion	Shaqlawa, Iraq
11.	7/12/95	Shah, Bikash Jungi	Nepal	UNGCI	Killed in bomb explosion	Shaqlawa, Iraq
12.	16/12/95	Gikuni, George Njoroge	Kenya	UNEP	Killed during carjacking	Nairobi

[a] Indicates legal action has been taken by Member State in respect of this case.

[b] United Nations Information Centre (UNIC)
United Nations Protection Force (UNPROFOR)
United Nations Peace Forces (UNPF)
United Nations Guard Contingent in Iraq (UNGCI)
United Nations Environment Programme (UNEP)

E. United Nations civilian casualties in the field as a result of malicious acts, 1996

	Date	*Name*	*State/Territory*	*Entity*	*Cause of death*	*Location of incident*
1.	5/1/96	Siyat Rage, Mohamed	Somalia	UNICEF	Killed by gunshot wounds	Kismayo, Somalia
2.	4/4/96	Ahmed, Mohamed Hussein	Somalia	UNESCO	Killed as a result of kidnapping	Mogadishu, Somalia
3.	24/5/96	Onginde, Peter	Kenya	UNHCR	Killed by gunshot wound during robbery	Nairobi
4.	28/10/96	Said, Mohamed Ali Sheik	Somalia	UNESCO	Killed by gunshot wound during robbery	Mogadishu, Somalia
5.	29/10/96	Manirakiza, Roger	Burundi	UNICEF	Killed by gunshot wounds	Bubonga, Burundi
6.	1/11/96	Lugano Barega, Germain	Zaire	UNHCR	Killed by gunshot wounds	Goma, Zaire
7.	4/11/96	Semwaga, Augustin	Rwanda	UNDP	Killed by gunshot wounds	Kigali, Rwanda
8.	6/11/96	Uwimana, Veneranda	Rwanda	UNDP	Killed by gunshot wounds	Kigali, Rwanda
9.	23/11/96	Jembere, Seleshi	Ethiopia	UNICEF	Killed in crash of hijacked airliner	Ethiopia/Comoros
10.	23/11/96	Ndongko, Therese	Cameroon	ECA	Killed in crash of hijacked airliner	Ethiopia/Comoros
11.	11/12/96	Leitao, Jorge	Angola	WFP	Killed by gunshot wounds	Ngomguembo, Angola

F. United Nations civilian casualties in the field as a result of malicious acts, 1997

	Date	*Name*	*State/Territory*	*Entity*[a]	*Cause of death*	*Location of incident*
1.	13/1/97	Ouijada, Tomas	El Salvador	UNOPS	Killed by gunshot wounds	Nueva Concepcion, El Salvador
2.	4/2/97	Turnbull, Graham	United Kingdom	HRFOR	Killed by gunshot wounds	Karengara, Rwanda
3.	4/2/97	Chan, Sastra Chim	Cambodia	HRFOR	Killed by gunshot wounds	Karengara, Rwanda
4.	4/2/97	Munyaneza, Jean Bosco	Rwanda	HRFOR	Killed by gunshot wounds	Karengara, Rwanda
5.	4/2/97	Ngabo, Agrippin	Rwanda	HRFOR	Killed by gunshot wounds	Karengara, Rwanda
6.	4/2/97	Nsengiyumvu Aimable	Rwanda	HRFOR	Killed by gunshot wounds	Karengara, Rwanda
7.	14/2/97	Ngoga, Alphonse	Rwanda	UNDP	Killed by gunshot wounds	Kigali, Rwanda
8.	14/2/97	Caraganciu, Iurie	Republic of Moldova	World Bank	Killed during robbery	Chisinau, Republic of Moldova
9.	24/2/97	Assey, Elizabeth	United Republic of Tanzania	ICTR	Killed during possible robbery	Arusha, United Republic of Tanzania
10.	7/5/97	Reignat, John	Sierra Leone	DHA	Killed by gunshot wounds	Makeni, Sierra Leone
11.	14/6/97	Nkezagera, Didace	Rwanda	WFP	Killed by gunshot wounds	Ruhengeri, Rwanda
12.	17/6/97	Murwanashyaka, Jean de Dieu	Rwanda	WFP	Killed by gunshot wounds	Ruhengeri, Rwanda
13.	19/6/97	Bucyekabili, Felicien	Rwanda	UNHCR	Killed by gunshot wounds	Ruhengeri, Rwanda
14.	17/7/97	Mahmud, Sayeef Uddin	Bangladesh	WHO	Killed by gunshot wounds	Siddhirganj, Bangladesh
15.	9/9/97	Subek, Simon Taban	Sudan	UNICEF	Killed by gunshot wounds	Juba, Sudan
16.	19/9/97	Amasias, Abraham Michael	Ethiopia	WFP	Killed by gunshot wounds	Ogaden region, Ethiopia
17.	19/9/97	Kidane, Tekle Giorgis	Ethiopia	WFP	Killed by gunshot wounds	Ogaden region, Ethiopia

[a] United Nations Office for Project Services (OPS)
United Nations Human Rights Field Operations in Rwanda (HRFOR)
International Criminal Tribunal for Rwanda (ICTR)
Department for Humanitarian Affairs (DHA)

G. United Nations civilian casualties in the field as a result of malicious acts, 1998

	Date	*Name*	*State/Territory*	*Entity*[b]	*Cause of death*	*Location of incident*
1.	9/6/98	Ohiri, Samson Somaian	Sudan	WFP	Killed by gunshot wounds	Kadugli, Sudan
2.	9/6/98	Hammad, El Haj Ali	Sudan	WFP	Killed by gunshot wounds	Kadugli, Sudan
3.	8/7/98	Asiiku, William	Uganda	WFP	Killed by gunshot wounds	Arua District, Uganda
4.	14/7/98	Wewiorska, Maria Magdalena[a]	Poland	UNOV/UNOMIG	Killed by gunshot wounds	Tblisi
5.	20/7/98	Akino, Yutaka[a]	Japan	UNMOT	Killed by gunshot wounds	Garm, Tajikistan
6.	20/7/98	Mahramov, Juragon[a]	Tajikistan	UNMOT	Killed by gunshot wounds	Garm, Tajikistan
7.	23/7/98	Ricciardi, Renato	Italy	WFP	Killed by gunshot wounds	Bujumbura, Burundi
8.	28/7/98	Rakotomahefa, J. Flechet	Madagascar	UNOPS	Criminal act	Antananarivo
9.	17/8/98	De Marco, Jori	United States of America	United Nations/ UNMOT	Killed by gunshot wounds	Dushanbe
10.	29/10/98	Diallo, Moctar	Mauritania	UNV/MIPONUH	Killed by gunshot wounds	Port-au-Prince
11.	5/11/98	Gaal, Hassan	Somalia	UNDOS	Killed by gunshot wounds	Balad/Mogadishu, Somalia
12.	14/11/98	Segala, Elias[a]	Angola	WFP	Killed by gunshot wounds	Kuito, Angola
13.	26/12/98	Luckman, Patrick	Australia	MONUA	Attack on aircraft	Vila Nova, Angola
14.	26/12/98	Mateka, Wilfried	Cameroon	UNV	Attack on aircraft	Vila Nova, Angola

[a] Indicates legal action has been taken by Member State in respect of this case.

[b] United Nations Office at Vienna (UNOV)
United Nations Observer Mission in Georgia (UNOMIG)
United Nations Mission of Observers in Tajikistan (UNMOT)
United Nations Volunteers (UNV)
United Nations Civilian Police Mission in Haiti (MIPONUH)
United Nations Development Office for Somalia (UNDOS)
United Nations Observer Mission in Angola (MONUA)

H. United Nations civilian casualties in the field as a result of malicious acts, 1999

	Date	*Name*	*State/Territory*	*Entity*[b]	*Cause of death*	*Location of incident*
1.	2/1/99	Moreira, Pedro	Angola	WFP	Attack on aircraft	Huambo, Angola
2.	20/1/99	Mansaray, Dennis	Sierra Leone	UNOMSIL	Killed by gunshot wounds	Freetown
3.	14/2/99	Allison, Joseph[a]	Jamaica	UNICEF	Killed by gunshot wounds	Kingston
4.	17/2/99	Nabiev, Fakhradin	Uzbekistan	IMF	Killed as a result of bomb explosion	Tashkent
5.	24/4/99	Speight, Nicholas	New Zealand	UNOPS	Killed by gunshot wounds	Erbil, Iraq
6.	30/8/99	Gomes, Joao Lopes[a]	East Timor	UNAMET	Killed by stab wounds	Atsabe, East Timor
7.	2/9/99	Pereira, Domingos	East Timor	UNAMET	Not determined	East Timor
8.	2/9/99	Soares, Ruben Barros	East Timor	UNAMET	Not determined	East Timor
9.	15/9/99	Bejarano, Jesus Antonio	Colombia	UNDP	Killed by gunshot wounds	Bogota
10.	16/9/99	Ayoub, Sheikh Yerow	Somalia	UNICEF	Killed by gunshot wounds	Jowhar, Somalia
11.	11/10/99	Krumov, Valentin	Bulgaria	UNMIK	Killed by gunshot wounds	Pristina, Kosovo
12.	12/10/99	Zuniga, Luis	Chile	UNICEF	Killed by gunshot wounds	Rutana Province, Burundi
13.	12/10/99	Von Meijenfeldt, Saskia	Netherlands	WFP	Killed by gunshot wounds	Rutana Province, Burundi

[a] Indicates that legal action has been taken by Member State in respect of this case.
[b] United Nations Observer Mission in Sierra Leone (UNOMSIL)
United Nations Mission in East Timor (UNAMET)
United Nations Interim Administration Mission in Kosovo (UNMIK)

I. United Nations civilian casualties in the field as a result of malicious acts, 2000

	Date	*Name*	*State/Territory*	*Entity*[b]	*Cause of death*	*Location of incident*
1.	10/1/00	Nhaningue, Luis Armando	Mozambique	WFP	Killed by gunshot wounds	Maputo
2.	22/2/00	Boonman, Joseph	Netherlands	World Bank	Killed by gunshot wounds	Nairobi
3.	4/3/00	Sargbah, Samuel[a]	Liberia	UNV/WFP	Killed by gunshot wounds	Kigali
4.	8/3/00	Rexhpi, Benet	Yugoslavia	UNHCR	Killed by gunshot wounds	Pristina, Kosovo
5.	30/3/00	Avdyli, Erieta[a]	Albania	UNICEF	Killed by strangulation	Tirana
6.	4/4/00	Van Der Lubbe, Gwenda[a]	Netherlands	UNAIDS	Killed by strangulation	Sana'a, Yemen
7.	8/5/00	Topolskij, Petar	Kosovo	UNMIK	Killed by stab wounds/strangulation	Pristina, Kosovo
8.	28/6/00	Abdilleh, Yusuf Ahmed	Somalia	FAO	Killed during hostage-taking in FAO Office	Baghdad
9.	28/6/00	Hassan, Marewan Mohammed	Iraq	FAO	Killed during hostage-taking in FAO Office	Baghdad
10.	7/8/00	Lyle, Garfield	Guyana	MICAH	Killed by gunshot wounds	Port-au-Prince
11.	15/8/00	Achba, Zurab	Georgia	UNOMIG/OHCHR	Killed by gunshot wounds	Sukhumi, Georgia
12.	6/9/00	Aregahegn, Samson[a]	Ethiopia	UNHCR	Killed by stab wounds	Atambua, Indonesia (West Timor)
13.	6/9/00	Caceras, Carlos[a]	United States of America	UNHCR	Killed by stab wounds	Atambua, Indonesia (West Timor)
14.	6/9/00	Simundze, Pero[a]	Croatia	UNHCR	Killed by stab wounds	Atambua, Indonesia (West Timor)
15.	17/9/00	Kpognon, Mensah	Togo	UNHCR	Killed by gunshot wounds	Macenta, Guinea

[a] Indicates that legal action has been taken by Member State in respect of this case.

[b] Joint United Nations Programme on HIV/AIDS (UNAIDS)
International Civilian Support Mission in Haiti (MICAH)
United Nations Observer Mission in Georgia (UNOMIG)
Office of the United Nations High Commissioner for Human Rights (OHCHR)

J. United Nations civilian casualties in the field as a result of malicious acts, 2001

	Date	*Name*	*State/Territory*	*Entity*	*Cause of death*	*Location of incident*
1.	27/3/01	Tshiama, Nsakala Boakono	Democratic Republic of the Congo	UNHCR	Killed by gunshot wounds	Kimpese, Democratic Republic of the Congo
2.	8/5/01	Rakotonanahary, Jose	Madagascar	UNDP	Killed by gunshot wounds	Antananarivo
3.	5/7/01	Lhommee, Jean-Pierre	France	UNDP	Killed by gunshot wounds	Bangui
4.	27/9/01	Bintu, Deo Bimenyimana[a]	Democratic Republic of the Congo	MONUC	Killed by gunshot wounds	Goma, Democratic Republic of the Congo
5.	8/10/01	Abrashkevich, Andrei	Russian Federation	UNOMIG	Attack on aircraft	Kodori Valley, Georgia
6.	8/10/01	Khvichia, Lali	Georgia	UNOMIG	Attack on aircraft	Kodori Valley, Georgia
7.	20/11/01	Manlan, Kassi[a]	Côte d'Ivoire	WHO	Killed by head injury	Bujumbura

[a] Indicates that legal action has been taken by Member State in respect of this case.

K. United Nations civilian casualties in the field as a result of malicious acts, 2002

	Date	*Name*	*State/Territory*	*Entity*[c]	*Cause of death*	*Location of incident*
1.	5/1/02	Berbati, Vlora[a]	Kosovo	UNMIK	Killed by gunshot wounds	Peja, Kosovo, Yugoslavia
2.	25/2/02	Ali, Hassan Sheikh	Somalia	UNICEF	Killed by gunshot wounds	Mogadishu, Somalia
3.	7/3/02	Hamdan, Kamal	Palestine	UNRWA	Killed by gunshot wounds	Tulkarem, West Bank
4.	8/4/02	Salman, Bahjat	Iraq	UNOHCI	Killed by gunshot wounds	Baghdad, Iraq
5.	10/4/02	Aalimi, Shah Sayed[a]	Afghanistan	FAO	Killed by gunshot wounds	Mazar-i-Sharif, Afghanistan
6.	22/11/02	Hook, Iain[b]	United Kingdom	UNRWA	Killed by gunshot wounds	Jenin, West Bank
7.	6/12/02	Tahrawi, Usama Hassan	Palestine	UNRWA	Killed by offensive weapon	Bureij, Gaza Strip
8.	6/12/02	Kandil, Ahlam Riziq	Palestine	UNRWA	Killed by gunshot wounds	Bureij, Gaza Strip

[a] Indicates that legal action has been taken by Member State in respect of this case.

[b] Mr. Iain Hook was a contractor of the Department for International Development of the Government of the United Kingdom working for UNRWA.

[c] United Nations Office of the Humanitarian Coordinator in Iraq (UNOHCI).

L. United Nations civilian casualties in the field as a result of malicious acts, 2003

	Date	*Name*	*State/Territory*	*Entity*	*Cause of death*	*Location of incident*
1.	7/2/03	Asleibi, Majed Hussein	Palestine	UNRWA	Died as a result of shrapnel wounds (7/1/03)	Khan Younis, Gaza Strip
2.	4/4/03	Jele, Thomas	South Africa	ILO	Killed by gunshot wounds	Zaalbank, Mpumalanga Province, South Africa
3.	6/6/03	Nzelenga, Prosper	Democratic Republic of the Congo	UNDP	Killed by gunshot wounds	Kinshasa

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Inter-organizational security measures: framework for accountability for the United Nations field security management system

Report of the Secretary-General

Summary

In its decision 57/567 of December 2002, the General Assembly took note of the report of the Secretary-General (A/57/365) and endorsed the recommendations of the Advisory Committee (A/57/7/Add.11) regarding the framework for accountability for the United Nations field security management system.

The present document provides a progress report on the implementation of the framework for accountability for the United Nations field security management system.

* A/58/150.

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I. Introduction

1. In its decision 57/567, the General Assembly took note of the report of the Secretary-General (A/57/365) on the framework for accountability for the United Nations field security management system and endorsed the recommendations made by the Advisory Committee on Administrative and Budgetary Questions in its report (A/57/7/Add.11). The Advisory Committee requested the Secretary-General to report to the General Assembly at its fifty-eighth session on the capacity in the Office of the United Nations Security Coordinator to monitor effectively the activities outlined in the report. The Advisory Committee also recommended that the General Assembly request the Secretary-General to transmit the report to the Executive Heads of the specialized agencies and the International Atomic Energy Agency (IAEA) so that it may be made available to the legislative bodies of those specialized agencies and the International Atomic Energy Agency.

II. Implementation of the framework for accountability

A. Transmission to legislative bodies

2. In response to the request of the General Assembly, on 10 February 2003 the United Nations Security Coordinator addressed a communication to all the organizations of the United Nations system, advising them of the contents of General Assembly decision 57/567. As at 1 June 2003, the following organizations had prepared organization-specific security policy statements, using the generic security policy statement in the report of the Secretary-General (A/57/365, annex): Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Development Programme (UNDP), Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), United Nations Children's Fund (UNICEF), World Food Programme (WFP), International Tribunal for the Former Yugoslavia (ICTY), Food and Agriculture Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), International Civil Aviation Organization (ICAO), World Health Organization (WHO), Pan American Health Organization (PAHO) and International Atomic Energy Agency (IAEA). UNHCR, WFP, FAO, UNESCO and WHO have submitted the report to their respective legislative bodies. Other organizations are in the process of taking similar action.

B. Inspection and review — lessons learned

3. In accordance with the provisions of the accountability policy, the Office of the United Nations Security Coordinator (UNSECOORD) has initiated the compliance and inspection missions to verify that all actors of the United Nations system at a particular duty station are carrying out their security-related functions. The basis for the compliance and inspection missions is a checklist, which provides a detailed breakdown of the responsibilities of every individual within the United Nations security management system at the duty station. The checklist has been provided to all designated officials and members of the security management team so that they are fully aware of the scope of the inspection. The checklist is subdivided to include

a section for every person or group of persons involved in the United Nations security management system. It includes, inter alia, the designated official, the field security coordination officer, the area security coordinators, the security management team, wardens and staff members. Each section includes a series of questions that reflect the responsibilities of each person or group of persons.

4. In order to ensure that the checklist is implemented in a consistent and objective manner, a standard has been established by UNSECOORD, outlining the acceptable responses or minimum standards for each question. The standard will decrease the potential for varying interpretations on the part of the inspection team as to what is considered to be implementation of security responsibilities.

5. Upon completion of the compliance and inspection mission, which consists of an officer from UNSECOORD, New York, accompanied by a field security coordination officer from the region, the designated official and security management team are briefed on the findings of the mission, and a date is set by which all identified shortcomings must be corrected. A return visit to the duty station is scheduled to confirm that they have, in fact, been corrected.

6. The schedule of inspections for 2003 was somewhat delayed by developments in Iraq; however, as at 1 June 2003, UNSECOORD had undertaken compliance and inspection missions in Kenya, Liberia and Papua New Guinea. An additional 22 missions are expected to be completed by 31 December 2003. For 2004, missions will be conducted in 40 countries.

7. To date the process has been proceeding smoothly. The initial group of countries selected for a compliance and inspection mission were those where crisis management training had already been completed for the designated official and members of the security management team. It is the intention of UNSECOORD to continue the practice of providing training for the designated official and security management team in one year, to be followed by a compliance and inspection mission during the subsequent year.

8. As part of the inspection and review process, an annual review of all major security incidents is conducted by UNSECOORD and the Inter-Agency Security Management Network to establish lessons learned and to identify both shortcomings and good practices. The reviews are subsequently utilized, as required, to modify operating procedures.

C. Selection of individuals who will be given security responsibilities

9. Much work has already been done to ensure that individuals who are selected to carry out security responsibilities possess certain core competencies. For designated officials, the requirements have been incorporated into the job descriptions of resident coordinators who, for the most part, serve as designated officials in the field. (UNSECOORD participates in the selection of resident coordinators.) Work is still required to ensure that senior officials who are not resident coordinators (executive secretaries of regional commissions, special representatives of the Secretary-General and force commanders) and who serve as designated officials also possess the identified core competencies.

10. With regard to wardens and area coordinators, designated officials have been advised to ensure that the core competencies are considered in the selection of the

individuals who serve in those positions. For field security coordination officers, the core competencies have been incorporated in their job descriptions. Work is still required to ensure that the competencies have been incorporated in the job descriptions of the single-agency security officers employed by programmes and funds.

11. With regard to agency representatives at the country level, the incorporation of core competencies into job descriptions is being carried out by the various organizations. The process will require a significant time to complete. Incorporation of the core competencies was discussed during the most recent meeting of the Inter-Agency Security Management Network in May 2003 during which organizations were encouraged to ensure that the roles and responsibilities of staff members, as outlined in the respective security policy of the organization, were reflected in the job descriptions, terms of reference and performance appraisal of each organization.

D. Self-learning by and training of all individuals who have security responsibilities

12. The training of all individuals in the security management system continues to be a top priority for the Office of the United Nations Security Coordinator. Training is provided at different levels based on the degree of responsibility of the individual.

(a) Senior security managers and/or headquarters security focal points

13. The responsibility for ensuring that senior security managers and/or headquarters security points receive appropriate training rests with each organization. UNSECOORD is prepared to provide such security and stress management training and refresher training, as requested.

(b) Designated officials and members of the security management team

14. Security and stress management training is mandatory for all designated officials and members of the security management team. UNSECOORD continues to provide the training to those staff members. In 2003, UNSECOORD will undertake security and stress management training at 52 duty stations. A comparable number of duty stations will receive the training in 2004.

(c) Field security coordination officers and agency specific security officers

15. UNSECOORD continues to provide induction training for all newly recruited field security coordination officers before they assume their responsibilities at the duty station. In addition, UNSECOORD organizes two regional security workshops for the officers each year. The workshops focus on providing the officers in a particular region with updated information as well as refresher and specialized training.

(d) Area security coordinators and wardens

16. Area security coordinators and wardens are, in the first instance, provided with security training by field security coordination officers. That training is augmented during UNSECOORD security training missions.

(e) Personnel of the United Nations system

17. The *Basic Security Awareness* CD-ROM was distributed to all organizations and staff members of the United Nations system in the first quarter of 2003. All personnel employed by the organizations of the United Nations system will be required to complete the programme by 1 November 2003. The training is also available on the UNSECOORD web site as well as on the web sites of other organizations of the United Nations system. On completion of the training, staff members are required to take a computer-generated test based on the programme and receive a certificate generated by the computer program, which is recorded in their personnel files.

18. It is the responsibility of each organization to ensure that its respective personnel complete the training within the allotted time frame. Some organizations, such as the United Nations Children's Fund and the World Health Organization, have linked the issuance of travel authorizations and tickets to the completion of the CD-ROM training. Other organizations are developing other methods to ensure that all staff members complete the programme.

E. Performance management

19. Another component that is critical to the implementation of the framework for accountability in the United Nations Security Management Network is management of an individual's performance. With regard to designated officials, UNSECOORD is working with the United Nations Development Group and the Administrator of the United Nations Development Programme to ensure that a formal assessment of an individual's performance in this capacity is included in the person's overall performance appraisal.

20. For field security coordination officers, performance appraisals for 2002 were undertaken by the designated officials, in consultation with their respective security management teams, and submitted to UNSECOORD, which provided a management view of each individual. The appraisals are utilized to identify shortcomings in performance and establish a programme to correct them.

III. Conclusions and recommendations

21. **The new mechanism of accountability and responsibility in the area of field security, approved by the General Assembly in its decision 57/567 of December 2002, has been in place for six months. In that time much progress has been achieved in promulgating the mechanism within all organizations and offices of the United Nations system. It is, however, premature to draw any definitive conclusions regarding the capacity of the Office of the United Nations Security Coordinator to monitor effectively the activities outlined in the report with its present staffing levels. Conclusions regarding the matter will require at least one full biennium of experience to permit an accurate assessment of the requirements of the Office of the United Nations Security Coordinator in this regard.**

22. **The General Assembly may wish to take note of the progress that has been achieved in implementing accountability and responsibility for security in the area of field security.**

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Fifty-eighth session
Item 126 of the provisional agenda*
Scale of assessments for the apportionment of the expenses of the United Nations

Outstanding assessed contributions of the former Yugoslavia

Note by the Secretary-General

Summary

In a letter to the President of the General Assembly dated 27 December 2001 (A/56/767), the Secretary-General drew the attention of the Assembly to the question of the treatment of the arrears of the former Yugoslavia. This was related to the admission of the Federal Republic of Yugoslavia (now Serbia and Montenegro) to membership in the United Nations on 1 November 2000, following which the membership in the Organization of the former Yugoslavia was necessarily and automatically terminated.

Subsequently, in its resolution 56/243 B of 27 March 2002, the General Assembly requested the Committee on Contributions to consider the issues raised in the Secretary-General's letter and to report thereon to the Assembly at its fifty-seventh session. The Assembly also decided to consider the matter at its fifty-seventh session, taking into account the views of the Committee on Contributions. The Committee considered the question at its sixty-second session, in 2002, and its conclusions and recommendations are included in its report. Subsequently, in its resolution 57/4 B of 20 December 2002, the Assembly decided to consider further the question of the outstanding assessed contributions of the former Yugoslavia at its fifty-eighth session.

The present note updates the information on the outstanding assessed contributions of the former Yugoslavia that was contained in the table annexed to the Secretary-General's letter. The updated information reflects the application of credits arising in 2002 and 2003.

* A/58/150.

03-44700 (E) 200803

1. In a letter dated 27 December 2001 to the President of the General Assembly,[1] the Secretary-General referred to the Assembly's resolution 55/12 of 1 November 2000, in which it decided to admit the Federal Republic of Yugoslavia (now Serbia and Montenegro) to membership in the United Nations. That decision necessarily and automatically terminated the membership in the Organization of the former Yugoslavia, the State admitted to membership in 1945.

2. At the time of the decision, the former Yugoslavia still had outstanding assessed contributions, as reflected in the accounts of the United Nations. As the former Yugoslavia had ceased to exist, the Secretary-General pointed out that it was not possible to look to it for payment, and it would therefore be necessary for a decision to be taken with regard to the treatment of its arrears. Relevant information was provided in a note prepared by the Secretariat and annexed to the Secretary-General's letter.

3. In its resolution 56/243 B of 27 March 2002, the General Assembly, having considered the Secretary-General's letter, requested the Committee on Contributions to consider the issues raised in the letter and to report thereon to the Assembly at its fifty-seventh session. It also decided to consider the matter at its fifty-seventh session, taking into account the views of the Committee. The Committee on Contributions considered the question at its sixty-second session, in 2002, and its conclusions and recommendations thereon are reflected in its report.[2] In its resolution 57/4 B of 20 December 2002, the Assembly decided to consider further at its fifty-eighth session the question of the outstanding assessed contributions of the former Yugoslavia.

4. Included in the information provided in the Secretariat's note was a breakdown of the outstanding assessed contributions of the former Yugoslavia as at the end of 2001. The table annexed to the present note updates this information as at 30 June 2003 to reflect credits applied subsequently in respect of amounts assessed earlier on the former Yugoslavia. At that date, an amount of $16,165,515 was outstanding. There was also a credit of $19,779 in the special account for the United Nations Transition Assistance Group (UNTAG) and an advance of $26,000 to the Working Capital Fund for 2000-2001. Furthermore, in its resolution 47/217 of 23 December 1992, the General Assembly had established the Peacekeeping Reserve Fund. The Fund was financed by the transfer of the balance of the excess of income over expenditures in the special accounts for UNTAG and the United Nations Iran-Iraq Military Observer Group after the application of other credits and by the transfer of a portion of the amount retained in the General Fund, pursuant to General Assembly resolution 42/216 A of 21 December 1987. As it was a Member State when the Fund was established, the former Yugoslavia may be said to have a claim to a share in the Fund. This fact would have practical significance, however, only if and when the General Assembly were to dispose of the assets of the Fund.

Notes

[1] A/56/767.

[2] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 11* (A/57/11), paras. 117-122.

Annex

Outstanding assessed contributions of the former Yugoslavia at 30 June 2003 (adjusted for credits in 2001-2003)

(United States dollars)

Regular budget	11 235 656.00
Peacekeeping operations	
ONUC	333 269.00
UNEF (1956)	7 598.00
UNDOF/UNEF (1973)	97 577.00
UNIFIL	495 968.50
UNIIMOG	5 672.50
UNAVEM/MONUA	274 066.00
UNTAG	-
UNIKOM	123 107.00
MINURSO	164 455.00
ONUSAL/ONUCA	124 969.00
UNTAC/UNAMIC	689 251.00
UNPROFOR	1 232 617.00
UNOSOM	474 815.00
ONUMOZ	149 030.00
UNFICYP	27 998.00
UNOMIG	16 807.00
UNMIH	57 721.00
UNOMIL	22 712.00
UNAMIR/UNOMUR	119 618.00
UNMLT	143.00
UNMOT	7 193.00
UNMIBH	83 773.00
UNTAES/CPSG	85 159.00
UNPREDEP	23 294.00
UNSMIH/UNTMIH/MIPONUH	17 563.00
MINUGUA	741.00
MINURCA	10 187.00
UNOMSIL/UNAMSIL	29 490.00
UNMIK	32 080.00
UNAMET	1 938.00
UNTAET	25 876.00
MONUC	10 222.00
Peacekeeping, total	**4 744 910.00**
International Tribunals	
Former Yugoslavia	110 092.00
Rwanda	74 857.00
Tribunals, total	**184 949.00**
Total	**16 165 515.00**

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Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly

United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific

Report of the Secretary-General

Summary

The Secretary-General continues to believe that the mandate of the Regional Centre for Peace and Disarmament in Asia and the Pacific remains valid and that the Centre has been a useful instrument for fostering a climate of cooperation and disarmament in the region. As it is evident from General Assembly resolutions, the regional dialogue being promoted by the Centre, through the organization of various disarmament meetings in Asia and the Pacific, has received wide support from Member States and academic groups within the region as a means of identifying pressing disarmament and security-related issues relevant to the region and exploring region-oriented solutions.

During the reporting period, from August 2002 to July 2003, the Centre continued to promote disarmament and security through the organization of meetings and conferences in the region (Kyoto, Japan, 7-9 August 2002; Jeju Island, Republic of Korea, 3-5 December 2002; and Bali, Indonesia, 10-11 February 2003). The Centre continued to assist the five Central Asian States in the drafting and finalization of a treaty on the establishment of a nuclear-weapon-free zone in Central Asia by organizing an expert group meeting and a series of informal consultations among the Central Asian States as well as consultative meetings between those States and the five nuclear-weapon States. The Centre also continued to provide assistance to Mongolia in taking the necessary measures to consolidate and strengthen its international security and nuclear-weapon-free status.

* A/58/150.

03-44605 (E) 220803

Consultations on the relocation of the Centre continued with the host country. The final version of a draft host country agreement and a draft memorandum of understanding on the operational costs to be provided by the host country were forwarded to the Government of Nepal for consideration in December 2001 and April 2002, respectively. Follow-up reminders were sent to the Nepalese authorities in December 2002, February and May 2003, and their response is awaited.

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I. Introduction

1. On 22 November 2002, the General Assembly adopted, without a vote, resolution 57/92, entitled "United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific". In paragraphs 5, 6 and 7 of that resolution, the Assembly requested the Secretary-General to provide the Regional Centre with the necessary support, within existing resources, in carrying out its programme of activities; urged him to ensure the physical operation of the Regional Centre from Kathmandu within six months of the date of signature of the host country agreement and to enable the Centre to function effectively; and requested him to report to the Assembly at its fifty-eighth session on the implementation of the resolution.

2. The present report is submitted in compliance with that request. It covers the activities of the Centre during the period from August 2002 to July 2003. A financial statement on the status of the Trust Fund for the Centre covering the year 2002 is contained in annex I. A list of planned activities of the Centre for which financial support from interested donors is being sought appears in annex II.

II. Activities of the Centre

3. The Secretary-General continues to believe that the mandate of the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific remains valid and that the Centre has been a useful instrument for fostering a climate of cooperation for peace and disarmament in the region. Consultations being carried out by the Director of the Centre with Member States and academic institutes within and outside the region, as well as meetings organized by the Centre, have confirmed the strong support for the Centre's role in encouraging regional and subregional dialogue for the enhancement of openness, transparency and confidence-building and the promotion of disarmament and security. In that connection, the value of regional meetings organized by the Centre has been highly commended by the General Assembly and the Asia-Pacific community.

4. In line with that approach and within the limited financial resources available through voluntary contributions of Member States and other interested organizations, the Centre organized, during the reporting period, a regional disarmament conference on "The Challenge of Terrorism for International Security and Disarmament: Global and Regional Impact", held in Kyoto, Japan, from 7 to 9 August 2002.

5. The conference, organized in close cooperation with the Government of Japan and the City of Kyoto, was attended by approximately 40 participants, representing Governments, research institutes, the media and non-governmental organizations (NGOs). The Kyoto conference considered, inter alia, the impact of the 11 September 2001 terrorist attacks in the field of security, the relationship between terrorism and weapons of mass destruction, the consolidation of existing legal norms, other weapons and new technologies, the implementation of the United Nations Millennium Declaration and responses to terrorism by the United Nations and regional organizations.

6. The timely organization of the conference was highly commended by the participants, given the threat of terrorism to the security of the international community and, in particular, the threat of possible use of weapons of mass

destruction in terrorist acts. The participants reaffirmed that multilateral arms control and disarmament norms remain an effective basis from which to combat terrorism. In that connection, they called for the strengthening of existing terrorism-related treaties and conventions.

7. During the reporting period, the Centre continued to serve as a forum for the Asia-Pacific community to address security and disarmament concerns in the region through the organization of regional meetings. In that respect, the Centre and the Republic of Korea jointly organized a conference on disarmament and non-proliferation issues, entitled "Changing Security Dynamics and Implications for Disarmament and Non-proliferation", which took place in Jeju Island, Republic of Korea, from 3 to 5 December 2002.

8. Approximately 30 participants, representing Governments, research institutes and NGOs, attended the conference. The conference dealt with, among other matters, security assessments, review of the disarmament process, terrorism and weapons of mass destruction, disarmament and non-proliferation on the Korean peninsula, the issue of weapons of mass destruction and missiles, and the role of disarmament and the elimination of terrorism.

9. The Jeju conference was highly commended by the participants, as it provided them with an opportunity to address pressing security concerns relevant to disarmament, including the issue of non-proliferation in North-East Asia, weapons of mass destruction and terrorism, and intelligence in the context of verification.

10. During the period under review, the Centre organized a regional seminar to address the issue of small arms and light weapons, in close cooperation with the Governments of Indonesia and Japan. The seminar, entitled "Implementation of the Programme of Action Adopted at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects: the Asia-Pacific Perspective", was held in Bali, Indonesia, on 10 and 11 February 2003. It was attended by approximately 40 participants mainly from South-East Asia.

11. The seminar reviewed the role of national contact points and national coordination agencies, transborder cooperation and information-sharing, national laws and legislation and administrative procedures, export/import licensing system and marking, stockpile management and the role of civil society.

12. The seminar presented a first opportunity for designated national contact points in Asia and the Pacific to exchange information on their implementation of the Programme of Action. It addressed ways and means of increasing cooperation among the countries within the region and served as a means to assist Member States in their preparation for the First Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in New York from 7 to 11 July 2003. The Centre will continue to provide the Asia-Pacific States and regional organizations with the necessary assistance to implement the Programme of Action effectively.

13. The Centre also hosted a United Nations workshop on transparency in armaments in Asia and the Pacific in Bali, Indonesia, on 14 and 15 February 2003, in close cooperation with the Government of Indonesia and the Department for Disarmament Affairs of the Secretariat. The workshop was attended by approximately 40 participants and was intended to increase familiarity with and

promote greater participation in the United Nations Register of Conventional Arms and the United Nations standardized instrument for reporting military expenditures.

14. During the reporting period, the Centre continued to maintain close interaction with the Council for Security Cooperation in the Asia Pacific by inviting its members to participate in meetings it had organized. It also continued to explore the possibility of cooperation with regional and subregional organizations, including the Association of South-East Asian Nations (ASEAN), the Pacific Islands Forum (PIF), the South Asian Association for Regional Cooperation, academic institutes and NGOs within the Asia-Pacific region. The Centre initiated consultations with some ASEAN members and the secretariat of PIF to explore cooperation in the area of disarmament and non-proliferation.

15. The Centre also continued to develop effective working relationships with disarmament-related international organizations. In that connection, the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons (OPCW) were both invited to participate in the conference organized by the Centre in Kyoto. The Director of the Centre attended the regional workshop on the Chemical Weapons Convention organized by the OPCW secretariat that was held in Chiang Mai, Thailand, from 10 to 12 March 2003, a seminar for ASEAN States on the Non-proliferation of Nuclear Weapons, organized by IAEA, held in Kuala Lumpur from 31 March to 2 April 2003 and a workshop on Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) International Cooperation and National Implementation of the Comprehensive Nuclear-Test-Ban Treaty for States in the Pacific, organized by the provisional technical secretariat of the Comprehensive Nuclear-Test-Ban Treaty Organization, held in Nadi, Fiji, on 16 and 17 June 2003. The Centre intends to promote interaction and constructive working relationships with those organizations further.

16. The value of the regional dialogue promoted by the Centre through the organization of meetings in the Asia-Pacific region and other means has been fully appreciated in General Assembly resolutions. The continuation of that dialogue to identify pressing disarmament and security-related issues relevant to the region and to encourage region-oriented initiatives has gained the strong support of Member States and academic groups within the region. The Centre has developed a network, linking the Centre and its interlocutors within the region, as a way of exchanging data and information and exploring further collaboration for joint activities related to disarmament and security in Asia and the Pacific. The Centre's web site was launched in January 2002 and has since been expanded. A brochure on the work of the Centre has also been published and widely distributed.

17. Furthermore, the Centre has initiated preparations for a United Nations conference on disarmament issues, entitled "Arms control, disarmament and their future", to be held in Osaka, Japan, from 19 to 22 August 2003. The conference will address, among other matters, the current security in the region, non-proliferation of weapons of mass destruction and the fostering of a culture of peace.

18. In compliance with a request of the General Assembly contained in its resolutions 52/38 S, 53/77 A, 55/33 W and 57/69, the Centre continued to assist the five Central Asian States (C5 — Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan) in finalizing a treaty to establish a nuclear-weapon-free zone in Central Asia. Since 1998, the Centre has organized six United Nations-sponsored expert group meetings to facilitate the process, the last of which was held in

Samarkand, Uzbekistan, from 25 to 28 September 2002. At that meeting, the C5 experts reached agreement on a treaty text for the establishment of a nuclear-weapon-free zone in Central Asia (the Samarkand text).

19. Consultations are under way between the C5 and the five nuclear-weapon States to seek the support of the latter for the Samarkand text. The Centre organized two meetings to facilitate those consultations. It also organized a series of informal consultations among the C5 with a view to resolving the remaining issues. The Centre intends to organize another United Nations-sponsored expert group meeting in the region in the near future to further the process. The Secretary-General hopes for an early conclusion and signing of a treaty on a nuclear-weapon-free zone in Central Asia as a concrete contribution to efforts of the international community towards nuclear non-proliferation. In that respect, he wishes to express his appreciation to the Government of Japan for its generous financial support for that initiative.

20. Moreover, in compliance with the request made by the General Assembly in its resolutions 53/77 D, 55/33 S and 57/67, the Centre continued to provide assistance to Mongolia in taking the necessary measures to consolidate and strengthen its international security and nuclear-weapon-free status. For that purpose, the Centre organized an informal consultation among relevant United Nations bodies in January 2003 to discuss the status of implementation of the non-nuclear aspects of Mongolia's status.

21. As a means of promoting cooperation between the Centre and its constituents, the Centre provided technical and substantive services to the United Nations Association of Japan for its organization of the ninth Kanazawa Symposium on North-East Asia, on the theme "Security and stability in North-East Asia and restoring confidence", which was held from 10 to 12 June 2003. Disarmament efforts, terrorism and organized crime, fostering a culture of peace, the Korean peninsula and issues of refugees and water were discussed. The Director of the Centre attended the symposium and chaired the plenary sessions. The Centre will also assist the City of Nagasaki in the organization of a symposium on "The United Nations and Disarmament", scheduled to be held on 24 August 2003.

III. Staffing and financing

22. In accordance with General Assembly resolution 42/39 D of 30 November 1987, the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific was established on the basis of existing resources and voluntary contributions that Member States and interested organizations may make to that end. By its resolution 57/92, the Assembly expressed its appreciation for the continuing political support and voluntary financial contributions to the Regional Centre, which are essential for its continued operation. It requested the Secretary-General to provide the Regional Centre with the necessary support, within existing resources, in carrying out its programme of activities. The Assembly also urged the Secretary-General to ensure the physical operation of the Regional Centre from Kathmandu within six months of the date of signature of the host country agreement and to enable the Centre to function effectively.

23. In that connection, consultations continued with the host Government to expedite the process of relocating the Centre to Kathmandu. It should be recalled

that the final version of a draft host country agreement and a draft memorandum of understanding on the operational costs to be provided by Nepal were forwarded to the Nepalese authorities for consideration on 6 December 2001 and 12 April 2002, respectively. As a follow-up, reminders were sent to the Nepalese authorities on 9 December 2002, 3 February 2003 and 6 May 2003, and a response is awaited.

24. During the reporting period from August 2002 to July 2003, voluntary contributions in the amount of $36,000 were received. The Secretary-General wishes to express his gratitude to the Governments of the Republic of Korea and Mongolia for their contributions.

25. In addition, the Secretary-General wishes to express his appreciation to the Governments of Indonesia, Japan, the Republic of Korea and Uzbekistan and to the City of Kyoto for their financial and technical support for the United Nations conferences and meetings organized by the Centre during the past year. He is gratified by the continued political and financial support for the Centre from the region.

26. The Regional Centre's current staff consists of the Director and one General Service staff member.

IV. Conclusions

27. **The Centre continued to serve as a useful forum for regional and subregional dialogue on specific security concerns and global and regional disarmament issues and as an instrument for assisting regional initiatives in the field of disarmament and security. That was highly commended by States members of the Asia-Pacific community.**

28. **In order to promote further cooperation and interaction, the Centre expanded its contacts with academic institutes, foundations and regional and subregional organizations within Asia and the Pacific as well as with disarmament-related international organizations. The Centre succeeded in raising public awareness about the developments and trends in the field of disarmament and security in the region. The Centre was able to expand its outreach to its constituents further through its web site and through the production and wide distribution of a brochure providing information on its various activities.**

29. **In order for the Centre to expand its activities, which are solely dependent on the voluntary contributions of Member States and interested organizations, increased and stable financial support is essential. The Secretary-General expresses his appreciation for the contributions received and reiterates his appeal to Member States, particularly those in the Asia-Pacific region, to continue to make or increase contributions to the Centre in support of its programme of activities.**

Annex I

Status of the Trust Fund for the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific covering the year 2002

	(United States dollars)
I. Fund balance, 1 January 2002	137 196
II. Income, 1 January-31 December 2002	
Voluntary contributions[a]	36 000
Interest income	10 500
Other miscellaneous income	44 241
Subtotal	**227 937**
III. Expenditures	
1 January-31 December 2002	–
Prior period adjustments	(3 000)
IV. Fund balance, 31 December 2002	224 937

Note: This information is based on the interim financial statement for the biennium 1 January 2002-31 December 2003, as at 31 December 2002.

[a] 2002: Republic of Korea ($15,000), Mongolia ($1,000).
2003: Republic of Korea ($20,000).

Annex II

Planned activities of the Centre

Project I

Title of the project

United Nations Conference on Disarmament Issues on "Arms control, disarmament and their future"

Purpose

Assist the Asia-Pacific community to promote dialogue on international security and disarmament.

Location

Osaka, Japan

Duration

4 days (19-22 August 2003)

Number of participants

60 participants, including government officials, academics and NGO representatives

Cost estimates

(In United States dollars)

(a) Travel of participants	127 400
(b) Travel of staff	25 100
(c) Operating expenses	25 000
Total	**177 500**

Project II

Title of the project

United Nations-sponsored expert group meeting on the Central Asian nuclear-weapon-free-zone treaty

Purpose

To enable the C5 to work out their common position with regard to the comments of the nuclear-weapon States on the Samarkand text of the Central Asian nuclear-weapon-free-zone treaty.

Location

Tashkent, Uzbekistan

Duration

4 days (September 2003)

Number of participants

10 (2 experts from each Central Asian State)

Cost estimates

(In United States dollars)

(a) Travel of participants	12 700
(b) Travel of staff	46 400
(c) Operating expenses	30 950
Total	**90 050**

Project III

Title of the project

Follow-up conference to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

Purpose

To promote the implementation of the Programme of Action among the countries of the Asia-Pacific region, taking into account the results of the First Biennial Meeting of States.

Location

South Pacific

Duration

3 days (March or April 2004)

Number of participants

Approximately 30 participants from within the Asia-Pacific region.

Cost estimates

(In United States dollars)

(a) Travel of participants	48 500
(b) Travel of staff	25 000
(c) Operating expenses	22 000
Total	**95 500**

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Convention on Biological Diversity

Note by the Secretary-General

The Secretary-General has the honour to submit to the General Assembly, pursuant to its request in resolution 57/260 of 20 December 2002, the report of the Executive Secretary of the Convention on Biological Diversity.

Report of the Executive Secretary of the Convention on Biological Diversity

Summary

In paragraph 14 of its resolution 57/260 of 20 December 2002, the General Assembly invited the Executive Secretary of the Convention on Biological Diversity to report to it on ongoing work regarding the Convention. The present report has been prepared in response to that invitation.

The report describes the principal activities that have been undertaken within the framework of the Convention in the period since the previous report of the Executive Secretary to the General Assembly. It focuses, in particular, on the contribution of the Convention to the World Summit on Sustainable Development and on the follow-up within the Convention process to the outcome of the Summit as it relates to the Convention. In that regard, the report provides information on the outcome of three important meetings organized in the framework of the Convention since the World Summit, namely, the eighth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, held in March 2003; the Open-ended Intersessional Meeting on the Multi-year Programme of Work of the Conference of the Parties up to 2010, also held in March 2003; and the Meeting on 2010: The Global Biodiversity Challenge, held in May 2003. The report also provides information on cooperation between the Convention and United Nations bodies and other international organizations and conventions, as well as on the status of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity.

* A/58/150.

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I. Introduction

1. In paragraph 14 of its resolution 57/260 of 20 December 2002, the General Assembly invited the Executive Secretary of the Convention on Biological Diversity[1] to report to it on ongoing work regarding the Convention.

2. Since the submission of the previous report of the Executive Secretary to the General Assembly (A/57/220), the principal activities undertaken under the Convention process have been participation in the World Summit on Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002,[2] the organization of the eighth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, the Open-ended Intersessional Meeting on the Multi-year Programme of Work of the Conference of the Parties up to 2010 and the Meeting on 2010: The Global Biodiversity Challenge. Detailed information regarding the outcomes of those meetings is provided in section II of the present report. Section III provides information on cooperation between the Convention and the United Nations bodies and other international organizations and conventions and section IV presents recommendations for the consideration of the General Assembly.

3. There have also been various other meetings in the period under review, namely, of the Ad Hoc Technical Expert Group on Protected Areas; the Ad Hoc Technical Expert Group on Biological Diversity and Climate Change; the Fourth Workshop on Sustainable Use; the Liaison Group of Technical Experts on the Biosafety Clearing House; the Ad Hoc Technical Expert Group on the Potential Impacts of Genetic Use Restriction Technologies on Smallholder Farmers, Indigenous and Local Communities and Farmers' Rights; the Ad Hoc Technical Expert Group on Traditional Knowledge and the Clearing-House Mechanism; and the Ad Hoc Technical Expert Group on Mountain Biodiversity.

4. The reports of the above-mentioned meetings, together with lists of participants and pre-session documentation, are available on the web site of the secretariat of the Convention on Biological Diversity (www.biodiv.org).

5. As at 16 June 2003, there were 187 parties to the Convention, 103 parties had signed the Cartagena Protocol on Biosafety thereto[3] and 51 had ratified it. In accordance with its article 37, the Protocol will enter into force on 11 September 2003. Following the decision of the sixth meeting of the Conference of the Parties to the Convention on Biological Diversity, the first meeting of the Conference of Parties serving as the meeting of the parties to the Protocol is scheduled to be held in conjunction with the seventh meeting of the Conference of the Parties, to be held in Kuala Lumpur in February 2004.

II. Principal meetings of the Convention in the period under review

A. Biodiversity at the World Summit on Sustainable Development

1. Contribution of the Convention on Biological Diversity to the World Summit on Sustainable Development

6. As a follow-up to the decisions taken at the fifth meeting of the Conference of the Parties, the Executive Secretary provided reports to the General Assembly and to

the Commission on Sustainable Development acting as the Preparatory Committee for the World Summit on Sustainable Development at its second and third sessions regarding the implementation of the Convention and the contribution of the Convention to the implementation of Agenda 21.[4]

7. At its sixth meeting, held in The Hague from 7 to 19 April 2002, the Conference of the Parties adopted a message to the World Summit on Sustainable Development, which was transmitted to both the Preparatory Committee at its fourth session, in Bali, Indonesia, and to the World Summit itself. That message was contained in both the Hague Ministerial Declaration of the Conference of the Parties to the Convention on Biological Diversity and decision VI/21, entitled "Annex to the Hague Ministerial Declaration of the Conference of the Parties to the Convention on Biological Diversity". The latter, incorporating an annex entitled "Contribution of the Conference of the Parties to the Convention on Biological Diversity to the World Summit on Sustainable Development", reviewed the interlinkages between the Convention and Agenda 21 and the experience gained and lessons learned in the implementation of the Convention, and provided ideas and proposals regarding the further implementation of Agenda 21. In addition, the Executive Secretary participated in the preparation of a report on biodiversity in the context of the Secretary-General's Water, Energy, Health, Agriculture, Biodiversity (WEHAB) initiative and participated in the round tables on the initiative organized during the World Summit on Sustainable Development on the basis of the WEHAB framework papers.

2. Outcome of the World Summit on Sustainable Development in relation to the Convention process

8. The World Summit on Sustainable Development was of great significance for the Convention on Biological Diversity. The Secretary-General's WEHAB initiative and the intergovernmental negotiating process raised the profile of biodiversity and cemented the conceptual link between the objectives of the Convention and the attainment of sustainable development and poverty eradication. The Plan of Implementation of the World Summit on Sustainable Development[5] incorporated major elements of the decisions taken by the Conference of the Parties at its sixth meeting with respect to biodiversity.

9. In particular, the World Summit reaffirmed that the Convention on Biological Diversity was the key instrument for the conservation and sustainable use of biological diversity and the fair and equitable sharing of benefits arising from the use of genetic resources and underlined the need for new and additional financial and technical resources to facilitate its effective implementation. It also endorsed the commitment of parties at the sixth meeting to a more effective and coherent implementation of the three objectives of the Convention, namely, to achieve by 2010 a significant reduction in the current rate of biodiversity loss at the global, regional and national levels as a contribution to poverty alleviation and for the benefit of life on Earth.

10. Among other things, the World Summit highlighted the need to integrate the objectives of the Convention on Biological Diversity into global, regional and national sectoral and cross-sectoral programmes and policies, in particular the programmes and policies of the economic sectors of countries and international financial institutions. In doing so, the Governments represented at the World

Summit echoed not only the text of the Convention but also one of the main goals of the Strategic Plan adopted by the Conference of the Parties at its sixth meeting. The marginalization of biodiversity concerns has been identified as one of the main constraints to full implementation of the Convention. It is to be hoped that, in view of the outcome of the World Summit, that marginalization will soon become a thing of the past. As the foremost world body dealing with sustainable development and given its intersectoral nature, the Commission on Sustainable Development can do much to help make the mainstreaming of biodiversity concerns a reality.

11. The World Summit also addressed a number of thematic and cross-cutting issues within the Convention process, including forest biological diversity; marine and coastal biodiversity; access to genetic resources and benefit-sharing; the protection of the knowledge, innovations and practices of indigenous and local communities; enhancing synergies with relevant multilateral agreements and international trade agreements; the integration of the objectives of the Convention into global, regional and national programmes and policies; and the promotion of practical international support and partnership for the conservation and sustainable use of biological diversity. All three objectives of the Convention have been addressed in a balanced manner. There are significant paragraphs dealing with the conservation of biological diversity, sustainable use of its components and the fair and equitable sharing of benefits stemming from the utilization of genetic resources.

12. The World Summit on Sustainable Development has also introduced two significant new items into the international biodiversity agenda that were not contemplated by the Conference of the Parties at its sixth meeting. In its paragraph 44 (o), the Plan of Implementation calls for the negotiation, within the framework of the Convention on Biological Diversity, bearing in mind the Bonn Guidelines,[6] an international regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources, and in paragraph 44 (g) the Plan requires action to promote and support initiatives for hot spot areas and other areas essential for biodiversity and to promote the development of national and regional ecological networks and corridors. Although the issues of hot spots, networks and corridors are addressed within the Convention process in some of the thematic programmes of work and cross-cutting issues, the approach contemplated by the World Summit is more holistic. The Convention process will need to address the necessary follow-up action required with regard to those two important issues.

13. In view of the transboundary nature of many sustainable development issues, the Plan of Implementation has not only addressed issues specific to certain regions but has also underlined the need for regional and subregional implementation. In the area of biodiversity, the particular situation of small island developing States and of Africa has received considerable attention. Thus, paragraph 70 (e) calls for measures to support the conservation of Africa's biological diversity, the sustainable use of its components and the fair and equitable sharing of benefits arising from the utilization of genetic resources. Paragraph 58, addressing issues of small island developing States, calls for effective conservation of natural resources, provision of support for the development and further implementation of components of programmes of work on marine and coastal biological diversity specific to small island developing States, implementation of sustainable fisheries management; and development of community-based sustainable tourism.

B. Open-ended Intersessional Meeting on the Multi-year Programme of Work of the Conference of the Parties up to 2010 and follow-up to the World Summit on Sustainable Development

14. The Open-ended Intersessional Meeting on the Multi-year Programme of Work of the Conference of the Parties up to 2010, held in Montreal, Canada, from 17 to 20 March 2003, considered the outcome of the World Summit on Sustainable Development as it related to the Convention process and made a number of recommendations as regards follow-up action. In general, action is to be pursued within the framework of the Strategic Plan for the Convention and the multi-year programme of work of the Conference of the Parties up to 2010. Within the overall framework of the proposed multi-year programme of work of the Conference of the Parties, the Meeting recommended that items identified as priorities by the World Summit, such as poverty alleviation, human health, sustainable communities and livelihoods and hot spots, ecological networks and corridors, should be considered in relation to the existing programmes of work when in-depth reviews of the existing thematic and cross-cutting issues were undertaken. In that regard, the issue of island biodiversity was selected as an item for in-depth review at the eighth meeting of the Conference of the Parties. In addition, the Meeting recommended that the Conference of the Parties identify, for each upcoming meeting, appropriate ways to address, including within the ministerial segment, issues of overarching importance, in particular the relevant socio-economic issues identified by the World Summit.

15. The proposed multi-year programme of work recommended by the Meeting would considerably streamline and focus the work of the Conference of the Parties. With the exception of island biodiversity, no new issues would be taken up for in-depth consideration. Instead, the focus would be: (a) on reviewing ongoing programmes of work to assess progress and to introduce the necessary adjustments and refinements as appropriate; and (b) on considering progress in the implementation of the Strategic Plan, including the achievement of the 2010 target, and in meeting the Millennium Development Goals adopted by the General Assembly in the United Nations Millennium Declaration (General Assembly resolution 55/2). In order to support implementation, the Conference of the Parties would also, at each of its meetings, seek ways of refining mechanisms to support implementation, such as the financial mechanism, the clearing-house mechanism and capacity-building activities.

16. If approved by the Conference of the Parties, the multi-year programme of work would mark the final stage in the transition from policy-making to implementation that has been evident in recent meetings of the Conference of the Parties.

17. Several of the recommendations adopted by the Meeting were addressed to the Convention's subsidiary bodies, which were requested to review them further and to provide advice to the Conference of the Parties at its seventh meeting on appropriate follow-up action. The following paragraphs provide a brief summary of the specific recommendations of the Meeting on some of the key issues.

1. Hot spots, ecological networks and corridors

18. The Meeting recommended that the issues of hot spots, ecological networks and corridors, arising from the World Summit on Sustainable Development, be

considered by the Ad Hoc Technical Expert Group on Protected Areas, the Subsidiary Body on Scientific, Technical and Technological Advice at its ninth meeting and the Conference of the Parties at its seventh meeting in the context of the work on protected areas, taking into account other relevant thematic programmes and cross-cutting issues in the context of national strategies and action plans and focusing on biodiversity loss.

2. International regime on access and benefit-sharing

19. The Meeting underlined the need to incorporate this decision of the World Summit on Sustainable Development into the Convention process. It recommended that the Ad Hoc Open-ended Working Group on Access and Benefit-sharing, which will meet in Montreal, Canada, from 1 to 5 December 2003, should consider the process, nature, scope, elements and modalities of an international regime and provide advice to the Conference of the Parties at its seventh meeting on how it might wish to address the issue.

3. Contribution of the Convention on Biological Diversity to the achievement of the Millennium Development Goals and to the Commission on Sustainable Development process

20. The Meeting recognized the importance of close cooperation with the Commission on Sustainable Development and requested the Executive Secretary of the Convention to strengthen such cooperation and to report to the Commission on progress made in the implementation of the Convention, with particular focus on the contribution of implementation of the objectives of the Convention to poverty eradication.

21. The Meeting also requested that, in preparation for the next meeting of the Conference of the Parties, the Executive Secretary, in consultation with the Bureau, should:

(a) Prepare a report on the relevance of the Millennium Development Goals for the programme of work under the Convention and to explore and articulate in each of the programmes of work the links between biodiversity and the Millennium Development Goals in order to identify and highlight ways in which biodiversity conservation and sustainable use can facilitate their achievement;

(b) Identify modalities to ensure that the achievement of the Millennium Development Goals was consistent with the objectives of the Convention.

4. Global partnership on biodiversity

22. Partnerships and cooperation with relevant international agreements and processes is among the key themes in the Plan of Implementation of the World Summit on Sustainable Development. The idea of partnership is a familiar one in the Convention process. Cooperation with other organizations, conventions and processes has been an integral part of activities since the Convention was adopted. The programmes of work under the Convention have been developed and are being implemented in close cooperation with a wide range of partners and cooperation with other institutions is a standing item on the agenda of meetings of the Conference of the Parties. The Meeting recommended that, at its seventh meeting, the Conference of the Parties request the Executive Secretary to develop a global

partnership on biodiversity comprising the major biodiversity-related organizations, with the secretariat of the Convention facilitating the process in order to enhance synergies, avoid duplication of efforts and improve implementation of biodiversity-related agreements.

5. Technology transfer and cooperation

23. The Meeting recalled paragraphs 105 and 106 of the Plan of Implementation of the World Summit on Sustainable Development, which concern the issue of technology transfer and cooperation, and invited parties and Governments to promote technology transfer in the context of the Convention through "type-2" partnerships, in accordance with the outcome of the World Summit. The issue will be one of the themes for in-depth consideration at the seventh meeting of the Conference of the Parties, in February 2004.

C. Eighth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice

24. The eighth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, held in Montreal, Canada, from 10 to 14 March 2003, made a number of recommendations for the consideration of the Conference of the Parties at its seventh meeting. The main theme considered was mountain biodiversity. The Subsidiary Body adopted a structure for the proposed programme of work on mountain biodiversity, outlining programme elements and suggested actions (recommendation VIII/1). The Meeting also proposed the establishment of an Ad Hoc Technical Expert Group on Mountain Biodiversity and defined its terms of reference. It also recommended the revision and expansion of the indicative list of technologies in the area of the conservation and sustainable use of mountain biological diversity. In that regard, it further recommended the development of a proposal for the consideration of the Subsidiary Body at its ninth meeting on how the role of the clearing-house mechanism could be enhanced so that it could become a central mechanism for exchange of information on technologies relevant to the conservation and sustainable use of biological diversity and the fair and equitable sharing of benefits arising from the utilization of genetic resources, access to those technologies, technology development, technical cooperation and transfer of technology.

25. The Subsidiary Body also reviewed and further elaborated upon and refined the programme of work on inland water ecosystems (recommendation VIII/2), identifying gaps and constraints in the implementation of the programme of work that needed to be addressed in order to meet the objectives of the Convention. On the basis of that review, it recommended to the Conference of the Parties the adoption of the revised programme of work contained in the annex to its recommendation. It also recommended that the Conference of the Parties welcome and encourage, in particular, the synergy being developed between the Convention on Biological Diversity and the Convention on Wetlands of International Importance especially as Waterfront Habitat (the "Ramsar Convention") in implementing the work programme, and noted the progress made in the implementation of joint work plans between the two Conventions and encourage further activities aimed at avoiding overlaps in their work.

26. The Subsidiary Body considered a number of issues relating to marine and coastal biological diversity, including the review and further elaboration upon and refinement of the programme of work on marine and coastal biological diversity; marine and coastal protected areas; mariculture; and the conservation and sustainable use of deep seabed genetic resources beyond the limits of national jurisdiction.

27. At its eighth meeting, the Subsidiary Body reviewed the progress made in the implementation of the programme of work on marine and coastal biodiversity with the aim of assisting in the implementation of the Jakarta Mandate on Marine and Coastal Biological Diversity at the national, regional and global levels (decision IV/5). The results of the evaluation showed that although progress had been made in the implementation of the programme of work, much still remained to be done to achieve its full implementation and to halt the decline in marine and coastal biological diversity globally. The Subsidiary Body therefore recommended that the Conference of the Parties extend the time period of the programme by an additional six years, at which point its implementation would be re-evaluated (recommendation VIII/3).

28. At its eighth meeting, the Subsidiary Body also considered the issue of marine and coastal protected areas on the basis of the report of an Ad Hoc Technical Expert Group on Marine and Coastal Protected Areas. The Subsidiary Body made a number of recommendations on the issue for the consideration of the Conference of the Parties at its seventh meeting, including: (a) the recognition that marine and coastal protected areas were an essential element in the conservation and sustainable use of marine and coastal biodiversity and that their establishment, where they were within areas under national jurisdiction, should be in accordance with national legislation and in accordance with international law where they were in areas beyond national jurisdiction; (b) the adoption of the approach outlined in the Plan of Implementation of the World Summit on Sustainable Development regarding the conservation and management of the oceans, including the target date of 2012 for the establishment of a representative network of marine protected areas consistent with international law; (c) agreement that such a network would include both areas where extractive uses were excluded and other marine and coastal protected areas where threats were managed and extractive uses might be allowed; (d) recognition that marine and coastal protected areas should be part of a wider integrated marine and coastal area management framework and urging parties and Governments to establish as a matter of priority an effective marine and coastal biodiversity management framework covering all areas subject to national jurisdiction, including the exclusive economic zone and continental shelf and deep-sea basins; (e) recognition of the urgent need to establish in areas beyond national jurisdiction further marine and coastal protected areas consistent with international law and based on scientific information, including in relation to areas of seamounts, hydrothermal vents, cold-water corals and open ocean; (f) requesting the Executive Secretary to work with other international organizations, in particular the Division for Ocean Affairs and Law of the Sea of the United Nations Secretariat, the International Seabed Authority and the International Maritime Organization (IMO), regional seas conventions and action plans, the Food and Agriculture Organization of the United Nations (FAO), regional fisheries organizations and the United Nations Educational, Scientific and Cultural Organization (UNESCO) to identify appropriate mechanisms for the establishment and effective management of marine and coastal protected areas beyond national

jurisdiction and to report his findings to the Conference of the Parties; and urging parties, other Governments and relevant international organizations to provide active financial, technical and other support for the establishment of a global system of networks of marine and coastal protected areas. The meeting also identified a number of research priorities and pilot projects and recommended their incorporation into the programme of work and the identification of partners to undertake relevant activities.

29. On the topic of mariculture, the Subsidiary Body endorsed activities to be undertaken and best practices to be followed in order to avoid the adverse effects of mariculture on marine and coastal biodiversity and to enhance its positive effects, as identified by the Ad Hoc Technical Expert Group on Mariculture. Research priorities for the future were also endorsed by Subsidiary Body.

30. At its eighth meeting, the Subsidiary Body considered the issue of the conservation and sustainable use of deep seabed genetic resources beyond national jurisdiction on the basis of a joint study prepared by the secretariat of the Convention on Biological Diversity and the Division for Ocean Affairs and Law of the Sea of the United Nations Secretariat on the relationship between the Convention on Biological Diversity and the United Nations Convention on the Law of the Sea[7] with a view to enabling the Subsidiary Body to address the scientific, technical and technological issues relating to bioprospecting of genetic resources on the deep seabed. It should be noted that in parallel, the Secretary-General in his report to the General Assembly of 1 November 1996 (A/51/645, para. 231) underlined the need for the rational and orderly development of activities relating to the utilization of genetic resources derived from the deep seabed area beyond the limits of national jurisdiction.

31. The study reviews the provisions of the two Conventions as they relate to the conservation and sustainable use of the genetic resources of the deep seabed beyond the limits of national jurisdiction. It notes the complementary nature of the provisions of the two Conventions with regard to the conservation and sustainable use of marine and coastal biological diversity. The study concludes, however, that whereas the provisions of the two Conventions are complementary and mutually supportive regarding the conservation and sustainable use of marine and coastal biodiversity, an important legal lacuna exists with respect to commercially oriented activities relating to marine genetic resources in the deep seabed beyond the limits of national jurisdiction. That lacuna will need to be dealt with by the international community, given the increasing importance of the genetic resources in those areas and the threat posed to them by various activities that may be carried out without due regard for conservation and equity imperatives. The two Conventions contain useful principles, concepts, measures and mechanisms that could provide the building blocks for a specific legal regime for marine genetic resources in the deep seabed beyond the limits of national jurisdiction.

32. The discussions regarding the issue in the Subsidiary Body underlined the need both for more information regarding the status of and trends in deep seabed genetic resources beyond the limits of national jurisdiction and for cooperation between States and among relevant international organizations. Consequently, the Subsidiary Body recommended that the Conference of the Parties at its seventh meeting: (a) request the Executive Secretary, in consultation with parties and Governments and in collaboration with relevant international entities, such as the Division for

Ocean Affairs and Law of the Sea of the United Nations Secretariat, the United Nations Environment Programme (UNEP), the International Seabed Authority and the Intergovernmental Oceanographic Commission (IOC) of UNESCO, to compile and review information on the status of and trends in deep seabed genetic resources and on methods to identify, assess and monitor such resources, including threats thereto and the means for their protection; (b) invite the General Assembly to call upon relevant international entities such as UNEP, IMO, the International Seabed Authority, IOC, the International Hydrographic Organization, the World Meteorological Organization (WMO), the secretariat of the Convention on Biological Diversity, and the Division for Ocean Affairs and Law of the Sea of the United Nations Secretariat to review issues relating to the conservation and sustainable use of genetic resources of the deep seabed beyond the limits of national jurisdiction and to make recommendations to the Assembly regarding appropriate action; and (c) invite parties and other States to identify activities and processes under their jurisdiction or control that might have a significant adverse impact on deep seabed ecosystems and species beyond the limits of national jurisdiction, in order to comply with article 3 of the Convention on Biological Diversity.

33. The Subsidiary Body also considered issues relating to the biodiversity of dry and sub-humid lands and to biological diversity and tourism. As regards the former, the Subsidiary Body recommended, inter alia, that the Conference of the Parties adopt a process for the periodic review of the status and trends of biological diversity in dry and sub-humid lands, taking into account national laws, policies and programmes and recognizing the urgency for action in those countries severely affected by land degradation, focusing on strengthening the capacities of developing countries and countries with economies in transition to conduct assessments at the national level and build on the knowledge and structures of ongoing global assessments, as well as national assessments (recommendation VIII/4). The Subsidiary Body further recommended that the Conference of the Parties requests the Executive Secretary, in consultation with parties, to develop targets for the implementation of the programme of work, taking into account especially national action programmes to combat desertification, the Global Strategy for Plant Conservation, the Global Taxonomy Initiative, the Strategic Plan for the Convention, as well as the Plan of Implementation of the World Summit on Sustainable Development, for the consideration of the Subsidiary Body.

34. With respect to biological diversity and tourism, the Subsidiary Body endorsed a set of draft guidelines for activities related to sustainable tourism development and biological diversity and recommended their adoption by the Conference of the Parties at its seventh meeting (recommendation VIII/5). It further recommended that the Conference of the Parties, recognizing that sustainable tourism can provide significant benefits to biodiversity conservation, notes that the guidelines are voluntary and represent a range of opportunities for local, regional and national governments, indigenous and local communities and other stakeholders to manage tourism activities in an ecological, economic and socially sustainable manner. In addition, the Subsidiary Body called upon the Conference of the Parties to invite the World Tourism Organization, the United Nations Conference on Trade and Development (UNCTAD), the United Nations Development Programme (UNDP), the World Bank, the World Trade Organization, regional development banks and other relevant international organizations: (a) to take the guidelines into account in undertaking their activities; and (b) to provide technical and financial assistance in

the implementation of the guidelines and to pay due regard to them when preparing, approving and funding tourism development projects having potential implications for biological diversity.

35. Finally, the Subsidiary Body made a number of recommendations concerning the multi-year programme of work of the Conference of the Parties up to 2010 (recommendation VIII/7). Firstly, it recommended that the Strategic Plan and its target of 2010 for significantly reducing the rate of biodiversity loss should guide the implementation of the multi-year programme of work. Secondly, it decided that, in view of the current heavy workload of the Convention, the addition of new items for in-depth consideration was not desirable until after 2010, with the exception of in-depth consideration of island biodiversity. Thirdly, it recommended that the focus should be on implementation of the programmes of work by parties, of corresponding top national priorities as set forth in national biodiversity strategies and of action plans. Lastly, it recommended that at each of its meetings until 2010 the Conference of the Parties, including its ministerial segment, should assess, as a specific agenda item, the state of progress in achieving the goals of the Strategic Plan and progress in achieving its 2010 target.

36. The recommendations of the Subsidiary Body at its eighth meeting provide evidence that programmes of work are being refined and tools and mechanisms developed to achieve the 2010 target. There is also increasing recognition that enhanced capacity and financial resources, as well as enabling activities, will be needed if the goals of the Strategic Plan and the 2010 target are to be achieved.

D. Meeting on 2010: The Global Biodiversity Challenge

37. The secretariat of the Convention on Biological Diversity, in partnership with the World Conservation Monitoring Centre of UNEP and UNDP and with financial support from the Governments of the Netherlands and the United Kingdom of Great Britain and Northern Ireland, convened an international Meeting on 2010: The Global Biodiversity Challenge to articulate a framework for action to address the internationally agreed target of reducing the current rate of biodiversity loss by the year 2010. The Meeting, held in London from 21 to 23 May 2003, brought together over 150 participants, including government-nominated experts and representatives of biodiversity-related conventions, United Nations entities, academic and research institutions, industry and the business sector, local and indigenous communities and international and other relevant governmental and non-governmental organizations.

38. The Meeting was held pursuant to decision VI/26 adopted by the Conference of the Parties at its sixth meeting, in April 2002. In its decision VI/26, the Conference of the Parties adopted the Strategic Plan for the Convention, which commits parties to a more effective and coherent implementation of the three objectives of the Convention, and to achieving by 2010 a significant reduction in the current rate of biodiversity loss at the global, regional and national levels. That target was endorsed in the Hague Ministerial Declaration and by the World Summit on Sustainable Development in its Plan of Implementation.

39. The specific objectives of the meeting were:

(a) To review approaches for understanding and measuring biodiversity loss;

(b) To review the 2010 target in the context of other biodiversity-related targets;

(c) To identify key initiatives in addressing biodiversity loss (such as multilateral environmental agreements) and how they relate to the 2010 target;

(d) To review and agree on the most appropriate approaches to reporting on progress.

40. The Meeting was also part of the ongoing efforts of the secretariat of the Convention on Biological Diversity and other partners that focus specifically on integrating biodiversity issues into initiatives aimed at meeting the Millennium Development Goals.[b] Such initiatives acknowledge the Convention on Biological Diversity as an appropriate framework for further development of the priority activities required to promote the integration of biodiversity in international and local efforts to achieve the Millennium Development Goals. It was anticipated that the outcome of the Meeting and the associated follow-up work would further enhance wider recognition of the importance of biodiversity and ecosystem services in poverty alleviation in the context of sustainable development.

41. The Meeting noted that, while the international community had agreed that biodiversity loss constituted a serious challenge at the global, regional and national levels, there was as yet no commonly agreed set of parameters that could be used to measure either how much biodiversity was available or how much was being lost. Currently there were many different assessments and measurements being undertaken by a wide range of local, national, regional and global institutions. However, those assessments tended to focus on specific components of biodiversity with limited coordination or interlinkages and consequently there were many duplications as well as many gaps. In recognition of that concern, the discussions at the meeting highlighted the need to develop appropriate approaches in order to improve the ability of key players at various levels to measure and report on both the status of biodiversity and its rate of loss, with a view to assessing progress towards the 2010 target.

42. The Meeting further noted that, in addition to the 2010 target, the international community had agreed to a wide range of other relevant targets and in some cases targets that were specific to biodiversity. Those included the 16 outcome-oriented targets of the Global Strategy for Plant Conservation of the Convention on Biological Diversity, the Millennium Development Goals, the targets in the Plan of Implementation of the World Summit on Sustainable Development, the marine conservation targets of the World Wide Fund for Nature (WWF) and the WWF/World Bank Forest Alliance targets. The Meeting therefore considered the relationships between those targets in terms of developing approaches in order to maximize synergies, reduce overlaps and duplication and harmonize reporting on the various ongoing initiatives that addressed those issues and concerns in a way that would facilitate compilation of an accurate picture of progress in achieving the internationally agreed targets.

43. In addition, consideration was also given to the range of initiatives, international agreements and programmes, other biodiversity-related conventions and regional and national strategies and action plans and how the existing respective reporting measures on "pressures" on biodiversity, such as human population growth, settlement patterns, resource consumption and waste production, could be used to interpret the achievements of those initiatives in reducing the current rate of biodiversity loss.

44. The need to provide objective and quantitative data and information, aggregated at appropriate levels, on the rate of biodiversity loss was highlighted as a critical component of national and global efforts to achieve the 2010 target. The Meeting also deliberated on the potential for incorporating the required data into the existing reporting frameworks and mechanisms, including but not limited to the national reporting processes of the Convention on Biological Diversity and other biodiversity-related conventions, the Convention on Biological Diversity Clearing-House Mechanism, the *Global Biodiversity Outlook* and *Global Environment Outlook* report series, the Millennium Ecosystem Assessments, the Millennium Project on Millennium Development Goals, the Global Biodiversity Information Framework and Earth Trends.

45. The Meeting made a number of recommendations for further review and consideration by the Convention on Biological Diversity and other key partners at the national, regional and international levels. While those recommendations were general in scope, they were nonetheless sufficiently flexible to permit wider interpretation of the possible range of implications for national-level consideration and potential follow-up action. One of the key recommendations concerned linkages between biodiversity and poverty reduction and the need to incorporate biodiversity targets into other strategies, sector policies, national strategies and action plans, regional and global development initiatives and the private and business sector. A practical approach to facing that challenge was to include the 2010 biodiversity target as an indicator for the Millennium Development Goals, in particular poverty alleviation, and other international goals and targets, including trade and the wider development agenda.

46. The Meeting also emphasized the need to "make the case" for biodiversity by developing a coherent strategy for effective communication of the impact of biodiversity loss and the efforts required to achieve the 2010 target. The biodiversity community had not yet made the case that failing to meet the target would have significant implications for ecosystem goods and services and for the economic and social well-being of people. Although the case had been made for some "flagship" species in terms of their intrinsic value, the wider implications in relation to socio-economic development were still poorly understood and even more poorly communicated. It was important therefore that proposals for a communication strategy address the need to demonstrate the economic and ecological consequences of the current rate of biodiversity loss, the development of different options with well-articulated cost and impact statements, as well as incorporating linkages with other relevant targets of the World Summit for Sustainable Development and the Millennium Development Goals. In that regard, it was underlined that the experience of the Intergovernmental Panel on Climate Change would serve as a useful model to guide that approach. In addition, the communication strategy should be designed to improve coherence between national and international reporting, to present clear policy-relevant and scientifically credible messages on trends in biodiversity and mesh with relevant targets of the World Summit, the Millennium Development Goals and other international targets.

47. The Meeting further suggested that a small set of indicators covering multiple targets relating to biodiversity and development would be useful in assessing progress towards the 2010 target and more specifically in illustrating status and trends in biodiversity loss, the underlying drivers of loss as well as activities undertaken to address the rate of loss. Such indicators should be relevant to national

context and their development should be based on the ongoing work of the Convention on Biological Diversity Liaison Group on Indicators, which is currently developing guidance for national indicators for the Subsidiary Body at its ninth meeting. It was also recommended that aggregated indicators, wherever available at different levels of biodiversity, should be used as a communication tool for policy makers. Investment in the development of a single biodiversity index should not be contemplated, as it was not achievable before the 2010 target.

48. Related to the above recommendation on indicators, the Meeting called for greater access and availability of up-to-date biodiversity data for monitoring progress towards the 2010 target in line with best practices of knowledge management. In addition, support for the development of appropriate tools, standards and protocols for data exchange would be a critical element of the overall monitoring process. Equally important would be the establishment of interoperable databases as well as the initiation of activities aimed at improving awareness about the existence and importance of biodiversity data, for example, by developing examples of mobilization of biodiversity data for practical uses and decision-making (i.e. building prediction models of the impact of climate change on biodiversity, of alien invasive species, of the spread of diseases, of planning of protected areas and so on). The identification of significant gaps in the available biodiversity data and the need to establish clear plans for filling those gaps was recognized as a particularly significant component of the "data realm".

49. With regard to the priority for articulating the interdependence between biodiversity and development targets, the Meeting called on the Convention on Biological Diversity, other multilateral environmental agreements and international initiatives to establish specific targets and sub-targets in relevant ongoing and planned programmes in support of the 2010 goal. The Meeting stressed the need to agree on a process of adapting international targets, including the 2010 target, to national situations and the use of national biodiversity strategies and action plans, as well as national mechanisms for monitoring and compliance, as appropriate frameworks for implementing those targets at the national level. It was also recommended that the process used in the development of the Global Strategy for Plant Conservation should guide the review of the thematic programmes of the Convention on Biological Diversity in order to set specific sub-targets, milestones and time-lines in support of achieving the 2010 target. To the extent possible, the sub-targets should be systematic, measurable, realistic and time-bound. In addition, participants called on Governments to actively promote the role of biodiversity in achieving the Millennium Development Goals and recommended that goal 7 — achieving environmental sustainability — become a guiding principle for achieving all the other Millennium Development Goals.

50. With regard to the issue of resources, the Meeting recommended a significant increase in the quantity, efficiency and effectiveness of funding available for activities aimed at meeting the 2010 target. That increase could be achieved through the adoption of innovative approaches, including making more effective use of existing funds in the environmental and other budget allocations, such as poverty reduction strategies; development of partnerships with private sector and non-governmental sources; ensuring that spending in other areas supported biodiversity targets; and increasing funding directed specifically at biodiversity targets through a range of mechanisms such as the Global Environment Facility (GEF), official development assistance, international finance institutions and regional and bilateral

arrangements. The establishment of national-level targets in the context of the 2010 target and reporting on progress in meeting that target should be an incentive for funding and investment. The Meeting also called for the creation of conditions that encouraged the use of market forces to help meet the biodiversity targets.

51. The Meeting recommended that, at the national level, primary responsibility for reporting on progress towards the 2010 target should be vested in the Convention on Biological Diversity national focal points, supported by a national committee and/or task force involving relevant government departments, civil society, academia and relevant research organizations in order to ensure proper cross-sectoral involvement. It was also recommended that reporting should be underpinned by a sound scientific approach to allow for comparability over time. In addition, reporting should be aligned with the Millennium Development Goals and other relevant reporting mechanisms. The Meeting stressed the need to strengthen the national reporting process, in particular in developing countries, and that GEF in particular should be approached to provide the necessary capacity-building support.

52. The national reporting process and its outputs, together with the available relevant national-, regional- and global-level data sets and indicators, would then be incorporated into the preparation of the global report on progress towards the 2010 target. The global report would be prepared, under commission from the Convention on Biological Diversity, by an independent body working in collaboration or partnership with a wide range of stakeholders, including all international biodiversity-related conventions and programmes, national institutions and non-governmental organizations, and would be subjected to peer review by an independent scientific panel and/or multi-stakeholder group. With regard to the frequency of reporting, the Meeting recommended that national-level analysis and reporting take place every two years and be linked to the ongoing reporting obligations under the Convention. At the international level, global trend analyses and reporting should be carried out on a four- to five-year cycle. One recommendation, which merits special mention, concerned the need for all parties to the Convention on Biological Diversity to include in their third national reports their experience in setting their own national targets and baselines for meeting the 2010 target with clearly defined sub-targets and milestones. In addition, the format for the third national reports should incorporate specific questions on the broad range of activities undertaken by all relevant sectors of government and civil society to achieve the 2010 target.

53. With regard to the issue of coordination, there was general agreement that an overall coordinating mechanism or unit should be established in the secretariat of the Convention on Biological Diversity. The Meeting stressed, however, that the coordination process at the global level should be led by but not centre on the Convention on Biological Diversity. It was also recommended that, in view of the existing challenges posed by lack of effective coordination mechanisms at the national level, efforts should be made to promote the establishment of partnerships and synergies among relevant environmental and developmental agencies and wherever possible to encourage mainstreaming the agreed targets between programmes and departments at the national and lower levels. Capacity-building to achieve and monitor progress towards the 2010 target must be integrated into those levels with direct linkages to similar efforts at the international level.

54. The results of the Meeting, including the above recommendations, will be submitted for consideration to the Subsidiary Body at its ninth meeting, in November 2003, and to the Conference of the Parties at its seventh meeting, in February 2004. It is anticipated that the governing bodies of a range of other international biodiversity-related conventions and programmes will also consider the results of the Meeting.

E. Cooperation with the Global Environment Facility

55. Pursuant to the memorandum of understanding between the Conference of the Parties to the Convention on Biological Diversity and the EEF Council, the Convention secretariat continued to communicate, cooperate and consult with the secretariat of GEF to enhance the effectiveness of the financial mechanism in assisting developing country parties to implement the Convention. The secretariat attended the 19th, 20th and 21st meetings of the GEF Council as well as the second session of the GEF Assembly in order to provide the GEF governing bodies with updated information on the Convention. The Convention secretariat developed a searchable database of GEF Council decisions and an electronic handbook of the financial mechanism, which are available on its web site (www.biodiv.org). The two secretariats recently met to discuss how to implement more effectively the guidance from the Conference of the Parties and decided to hold regular meetings to maintain their dialogue.

III. Cooperation with relevant United Nations bodies, international organizations and conventions

56. In its decision VI/20, the Conference of the Parties to the Convention on Biological Diversity re-emphasized the need for enhanced cooperation with other organizations, initiatives and conventions. The emphasis placed on cooperation and collaborative activities underlines the conviction of parties that the objectives of the Convention can only be reached through enhanced policy coordination between all relevant international instruments and processes.

57. At its previous meetings, the Conference of the Parties had requested the Executive Secretary to collaborate with a number of conventions and international organizations, including, inter alia, the United Nations Framework Convention on Climate Change,[9] the Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (the "Convention to Combat Desertification"),[10] the Ramsar Convention, the Convention on the Conservation of Migratory Species of Wild Animals, the International Plant Protection Convention, the World Trade Organization and the World Intellectual Property Organization (WIPO).

58. During the period under review, a number of cooperative activities have been undertaken with United Nations bodies, relevant international organizations and other conventions and processes.

59. As regards cooperation with United Nations bodies, enhanced collaboration with the Commission on Sustainable Development has been a central component of the Convention's efforts. The Open-ended Intersessional Meeting on the Multi-year

Programme of Work of the Conference of the Parties up to 2010 (see paras. 14-23 above) considered the outcome of the World Summit on Sustainable Development as it related to the Convention process and recognized the importance of close cooperation with the Commission on Sustainable Development to ensure mutual supportiveness within the respective programmes of work so that the work of the Convention contributed fully to the efforts of the international community to achieve sustainable development and poverty eradication. In that respect, the Meeting requested the Executive Secretary to strengthen cooperation with the Commission on Sustainable Development and to report on progress made in the implementation of the Convention, with particular focus on the contribution of the objectives of the Convention to poverty eradication. Pursuant to that request, the Executive Secretary submitted a report entitled "Contribution of the Convention on Biological Diversity to implementing the outcomes of the Johannesburg Summit" to the Commission on Sustainable Development at its eleventh session, held in New York from 28 April to 9 May 2003.[11]

60. The Executive Secretary and the Head of the United Nations Forum on Forests held a meeting in Montreal, Canada, in January 2003, with a view to identifying ways and means to increase coordination between the secretariats of the Convention on Biological Diversity and the United Nations Forum on Forests, and support from the Convention in the work of the secretariat of the United Nations Forum on Forests. The secretariat of the Convention on Biological Diversity also participated in the second meeting of the Task Force on Streamlining Forest-Related Reporting of the Collaborative Partnership on Forests, held in February 2003.

61. In its decision VI/22, the Conference of the Parties welcomed the report of the first meeting of the Ad Hoc Technical Expert Group on Biological Diversity and Climate Change, held in Helsinki from 21 to 25 January 2002; welcomed the establishment of the Liaison Group of the secretariats of the Convention on Biological Diversity, the Convention to Combat Desertification and the United Nations Framework Convention on Climate Change; and encouraged the activities of the Group in promoting complementarity and synergies in their activities on forests and forest ecosystems. In March 2003, the secretariat held discussions with the United Nations Framework Convention on Climate Change and the United Nations Convention to Combat Desertification during the eighth meeting of the Subsidiary Body on their joint Liaison Group and a meeting of core team members of the Ad Hoc Technical Expert Group on Biological Diversity and Climate Change was organized in January 2003. A meeting of the joint Liaison Group was held in Bonn, Germany, on 19 May 2003. In July 2003, the secretariat, the Chair of the Subsidiary Body and several Convention on Biological Diversity national focal points participated in a workshop to examine synergies among the three Conventions, organized by the secretariat of the United Nations Framework Convention on Climate Change. The workshop examined, inter alia, the interlinkages between biodiversity and climate change and highlighted the use of the ecosystem approach as a framework for activities contributing to the objectives of the three Conventions.

62. A meeting with the secretariat of the International Plant Protection Convention, held in Montreal, Canada, on 24 and 25 February 2003, identified areas of possible joint activity in order to promote synergies between the International Plant Protection Convention and the Convention on Biological Diversity and its Cartagena Protocol on Biosafety. In view of the common areas of concern, including

invasive alien species, living modified organisms and biosecurity, a draft memorandum of cooperation has been prepared.

63. As requested by the Conference of the Parties in its decision VI/20, the Executive Secretary applied for observer status with the Committee on Sanitary and Phytosanitary Measures and the Committee on Technical Barriers to Trade of the World Trade Organization and renewed a similar request for the Council for the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Council). The Executive Secretary participated in briefing sessions on multilateral environmental agreements organized by the Committee on Trade and Environment of the World Trade Organization and in regular sessions of that Committee, with which the secretariat enjoys observer status. The secretariat of the Convention on Biological Diversity also participated in some of the meetings of the Committee on Trade and Environment's special sessions on the Doha mandate of the World Trade Organization, on the basis of ad hoc invitations. In a special session focusing on cooperation between multilateral environmental agreements and the World Trade Organization, the Executive Secretary made specific proposals that would provide a framework for cooperation between the Convention and the organization. In addition, the Executive Secretary met informally with members of the Committee on Sanitary and Phytosanitary Measures to brief them on the status of and preparations for the implementation of the Cartagena Protocol on Biosafety and on the Convention on Biological Diversity work programme on alien invasive species. The Executive Secretary also met with the executive secretaries and the chairpersons of relevant bodies of the World Trade Organization, namely, the Committee on Agriculture, the TRIPS Council, the Committee on Sanitary and Phytosanitary Measures and the Committee on Technical Barriers to Trade, as well as the Deputy Director-General of the World Trade Organization, to discuss issues of mutual concern. Further to a request by the Chairman of the TRIPS Council, the secretariat prepared a briefing note for that Council on activities of the Convention on Biological Diversity of relevance to the review of article 27, paragraph 3 (b), of the Agreement on Trade-Related Aspects of Intellectual Property Rights, the relationship between the Convention on Biological Diversity and the Agreement and the protection of traditional knowledge and folklore.

64. Pursuant to the request of the Conference of the Parties in paragraph 36 of its decision VI/6, a memorandum of understanding was signed between the secretariat and WIPO in June 2002. The secretariat continued to attend meetings of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore and to contribute to the documentation, as appropriate. Similarly, WIPO provides information in support of and participates in Convention on Biological Diversity meetings as needed.

65. A memorandum of cooperation was signed with FAO to cover the overall relationship between the two organizations applicable to a number of programmes of work, including the cooperation with the secretariat of the Commission on Genetic Resources for Food and Agriculture acting as the Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture, the cooperation with the International Plant Protection Convention, in particular on biosafety and invasive alien species, and the secondment of an official to the secretariat. FAO has increased collaboration in all initiatives and programmes of work in the thematic areas and cross-cutting issues of the Convention, has responded positively to the invitation by the Conference of the Parties to lead some initiatives

such as the International Pollinator Initiative and the International Initiative on Conservation and Sustainable Use of Soil Biodiversity and plays particular roles such as chairing the Collaborative Partnership on Forests.

66. In its decision VI/19, the Conference of the Parties requested the Executive Secretary of the Convention on Biological Diversity to consult with UNESCO, UNEP, the World Conservation Union (IUCN) and experts, as well as any other relevant institutions to, among other things, monitor and evaluate the implementation of the Global Initiative on Communication, Educational and Public Awareness, specifically on the start-up phase of the programme of work contained in the annex to the decision. In response to decision VI/19, the secretariat established a Consultative Working Group of Experts on Communication, Educational and Public Awareness, consisting of representatives of UNESCO and other relevant organizations, to update the group on progress in the implementation of the programme of work in that area, specifically on the draft implementation strategy, and also to incorporate the advice of the experts and other partners on planned activities as outlined in the first phase of the Global Initiative on Communication, Educational and Public Awareness.

67. In addition, the secretariat established a working web site or electronic forum for the Communication, Educational and Public Awareness Consultative Group of Experts (including UNESCO) to facilitate a two-way consultative process, foster regular communication and provide feedback to the secretariat, share experience and expertise and also engage in discussions of relevance to communication, educational and public awareness. The consultation process is ongoing and the outputs generated will be instrumental in enhancing the efforts of the secretariat in the regular monitoring and evaluation of the implementation of the Global Initiative. Those outputs, including the contributions of UNESCO and other partners and experts, will be part of the report to be submitted for consideration to the Conference of the Parties at its seventh meeting.

68. In its decision VI/6, the Conference of the Parties decided to establish and maintain cooperation with the Commission on Genetic Resources for Food and Agriculture acting as the Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture, and, upon the entry into force of the Treaty, with the Governing Body; requested the Executive Secretary to develop cooperation with the secretariat of the Commission and, upon its establishment, with the secretariat of the International Treaty; and further requested the Executive Secretary to convey that decision to the Commission. Pursuant to decision VI/6, a memorandum of cooperation was signed between the two institutions.

69. In its decision VI/5, the Conference of the Parties invited the International Union for the Protection of New Varieties of Plants, the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore and other relevant bodies to examine in the context of their work the specific intellectual property implications of genetic use restriction technologies, in particular with respect to indigenous and local communities. In response to that request, the International Union for the Protection of New Varieties of Plants submitted to the Executive Secretary on 11 April 2003 a memorandum, adopted by the Council of the International Union, communicating its position concerning decision VI/5 of the Conference of the Parties on potential impacts of genetic use restriction technologies.

70. The secretariat of the Convention on Biological Diversity also enhanced its cooperation with the Organisation for Economic Cooperation and Development (OECD). The OECD Working Group on Economic Aspects of Biodiversity is a major partner in implementing the Convention on Biological Diversity programme of work on incentive measures. Both at meetings of the group and during intersessional periods, the secretariat of the Convention on Biological Diversity provided guidance and input on activities of the group of relevance to the implementation of the programme of work on incentive measures. The Second Convention on Biological Diversity Workshop on Incentive Measures, held in Montreal, Canada, from 3 to 5 June 2003, in order to develop proposals for the application of ways and means to remove or mitigate perverse incentives profited from the participation of a representative of OECD and thus the knowledge and expertise of OECD in the field.

71. The secretariat convened a Liaison Group meeting, held in Cartagena, Colombia, from 10 to 12 October 2002, and a series of international stakeholder consultations in order to further develop and implement the Global Strategy for Plant Conservation, including its 16 targets, in accordance with decision VI/9. Pursuant to paragraphs 14 (b) and 19 of the annex to decision VI/9, those activities have been carried out with the active collaboration of a number of initiatives and organizations and a wide range of actors in addition to the parties to the Convention, including Botanic Gardens Conservation International, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, FAO, the Global Invasive Species Programme, the International Plant Genetic Resources Institute, IUCN, the Millennium Seed Bank, Plantlife International, the Royal Botanic Gardens, Kew, United Kingdom, the UNEP World Conservation Monitoring Centre and WWF. In collaboration with Botanic Gardens Conservation International and in partnership with the HSBC Bank, the secretariat organized a meeting of experts on investing in nature, held in Dingle, Kerry County, Ireland, from 5 to 7 October 2003, to prepare advice on development of national targets, of sub-targets and milestones for each target and of baseline data and indicators to monitor progress towards achieving the targets by 2010, development of regional components, establishment of a flexible coordination mechanism and ways and means, within the framework of the Convention's thematic and cross-cutting programmes of work, of promoting implementation of the global strategy for plant conservation and of monitoring and assessing progress.

72. In accordance with decisions V/19 and VI/20, the secretariat participated in a project on harmonizing the reporting requirements of the biodiversity-related conventions, namely the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on the Conservation of Migratory Species of Wild Animals, the Ramsar Convention and the Convention Concerning the Protection of the World Cultural and Natural Heritage (the "World Heritage Convention"), and continued to develop joint work programmes to implement a more harmonious system of reporting. The Convention on International Trade in Endangered Species of Wild Fauna and Flora participated in a number of meetings organized by the secretariat of the Convention on Biological Diversity and thus contributed to the preparation of practical principles, operational guidelines and associated instruments for the sustainable use of biodiversity for the Fourth Workshop on Sustainable Use, held in Addis Ababa from 6 to 8 May 2003, and the consideration of ways to achieve the target of significantly reducing the rate of loss

of biodiversity by 2010 for the Meeting on 2010: The Global Biodiversity Challenge, held in London from 21 to 23 May 2003. The secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora has also been invited to participate in the liaison group on non-timber forest resources, including in particular bushmeat. Ways to integrate migratory species into national biodiversity strategies and action plans are currently being discussed with the Convention on the Conservation of Migratory Species of Wild Animals. The implementation of the third joint work plan (2002-2006) of the Convention on Biological Diversity and the Ramsar Convention continued, with activities on the joint River Basin Initiative, on the convergence of the criteria and classification of inland water ecosystems between the Conventions, on the valuation of inland water ecosystems, as well as on biodiversity indicators and impact assessment. A memorandum of cooperation is being discussed with the World Heritage Convention with a view of strengthening the collaboration on protected areas.

73. A memorandum of cooperation was signed on 20 February 2002 between the secretariat and Botanic Gardens Conservation International to assist in the coordination of and support for the development and implementation of decision VI/9 of the Conference of the Parties on the Global Strategy for Plant Conservation. A staff member seconded to the secretariat and based in Nairobi took up his post on 1 August 2003 for an initial period of one year, which may be extended for an additional year.

74. In line with a memorandum of understanding with the Institut de l'Énergie et de l'Environnement de la Francophonie, the secretariat participated in the consultation on synergies among national focal points of the three multilateral environmental agreements from French-speaking African countries, organized by the Institut de l'Énergie et de l'Environnement de la Francophonie under the auspices of the Ministry of Land, Water and Environment of Morocco.

IV. Conclusions and recommendations

75. At its fifty-eighth session, the General Assembly may wish, inter alia:

(a) To take note of the report of the Executive Secretary of the Convention on Biological Diversity, as submitted by the Secretary-General to the General Assembly at its fifty-eighth session;

(b) To note the contribution of the Convention on Biological Diversity to the World Summit on Sustainable Development and the conclusions of the World Summit as regards the role of the Convention in achieving sustainable development;

(c) To recall the commitment to negotiate, within the framework of the Convention on Biological Diversity, bearing in mind the Bonn Guidelines, an international regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources, and to reiterate its invitation to the Conference of the Parties to take appropriate steps in that regard;

(d) To note the outcome of the Open-ended Intersessional Meeting on the Multi-year Programme of Work of the Conference of the Parties up to 2010, held in Montreal, Canada, from 17 to 20 March 2003, as well as the eighth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, held in Montreal, Canada, from 10 to 14 March 2003;

(e) To note also the outcome of the Meeting on 2010: The Global Biodiversity Challenge, held in London from 21 to 23 May 2003;

(f) To welcome the entry into force of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity and further urge parties to the Convention that have not yet ratified or acceded to the Protocol to do so as soon as possible;

(g) To invite the Executive Secretary of the Convention on Biological Diversity to continue reporting to the General Assembly on ongoing work regarding the Convention.

Notes

[1] United Nations, *Treaty Series*, vol. 1760, No. 30619.

[2] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum).

[3] See UNEP/CBD/ExCOP/1/3 and Corr.1, part two, annex.

[4] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions Adopted by the Conference*, resolution 1, annex II.

[5] *Report of the World Summit on Sustainable Development* ..., chap. I, resolution 2, annex.

[6] Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization (decision VI/24 of the Conference of the Parties to the Convention on Biological Diversity).

[7] See *The Law of the Sea: Official Texts of the United Nations Convention on the Law of the Sea of 10 December 1982 and of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 with Index and Excerpts from the Final Act of the Third United Nations Conference on the Law of the Sea* (United Nations publication, Sales No. E.97.V.10).

[8] The Meeting on Biodiversity After Johannesburg: The Critical Role of Biodiversity and Ecosystem Services in Achieving the Millennium Development Goals, held in London in March 2003, was part of those efforts and provided direct input to the Meeting on 2010: The Global Biodiversity Challenge, held in London from 21 to 23 May 2003.

[9] United Nations, *Treaty Series*, vol. 1771, No. 30822.

[10] United Nations, *Treaty Series*, vol. 1954, No. 33480.

[11] E/CN.17/2003/BP.2.